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LOK SABHA DEBATES

(Sixth Session)

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LOK SABHA SECRETARIAT
NEW DELHI

62 n.P. (INLAND) THREE SHILLINGS (FOREIGN)

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LOK SABHA

Wednesday, 10th December 1958

'he Lok Sabha met at Eleven of the Clock

[MR. SPEAKER *in the Chair*]

TENTH ANNIVERSARY OF THE HUMAN RIGHTS DAY

Mr. Speaker: Mr. Prime Minister and hon. Members, today is the tenth anniversary of the adoption by the General Assembly of the United Nations of the Universal Declaration of Human Rights. It is fitting that before we start the business of today, we should remind ourselves on this day of this historic declaration which was adopted unanimously by the United Nations General Assembly on December 10, 1948.

Ten years have passed since then. Unfortunately, this Declaration has not been fully given effect to in some parts of the world, and in some countries even the principles which underlie this Declaration are denied.

If this Declaration was fully accepted and acted upon, many of the troubles that the world suffers from today would fade away.

It is right and appropriate, therefore, that we should give thought to this great Declaration on this occasion and solemnly resolve to act up to it.

The Declaration is a long document. I shall read out to you the Preamble and the first two Articles only.

Preamble

WHEREAS recongnition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace of the world,

WHEREAS disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

WHEREAS it is essential, if man is not to be compelled to have recourse as a last resort to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

WHEREAS it is essential to promote the development of friendly relations between nations,

WHEREAS the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

WHEREAS Member States have pledged themselves, to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

WHEREAS a common understanding of these rights and freedoms is of the greatest importance for the full realisation of this pledge.

NOW THEREFORE THE GENERAL ASSEMBLY PROCLAIMS THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measure, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

ARTICLE 1. All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

ARTICLE 2. Everyone is entiled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.".

Now, the House will take up its normal business.

ORAL ANSWERS TO QUESTIONS

U.S. $150 Million Loan

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*776. { **Shri V. C. Shukla:**
{ **Shri Panigrahi:**

Will the Minister of Finance be pleased to refer to the reply given to Starred Question No. 108 on the 13th August, 1958 and lay a statement on the Table showing:

(a) whether the detailed allocations for individual projects in the private sector in respect of the amount earmarked out of the 150 million dollar loan sanctioned by the Export-Import Bank of the United States have since been finalised;

(b) if so, details thereof; and

(c) how much of the loan has been drawn so far?

The Minister of Revenue and Civil Expenditure (Dr. B. Gopala Reddi): (a) to (c). A statement is laid on the Table. [*See* Appendix III, annexure No. 89].

Shri V. C. Shukla: May I know whether any priorities have been fixed for the allotment of this loan fund to any of the six industries enumerated in the statement?

Dr. B. Gopala Reddi: There is no particular priority, They are all there, and approvals and licences are being given from time to time.

Shri V. C. Shukla: May I know how many applications have been received by Government for loan under this Export-Import Bank arrangement, and by what time Government expect to process these applications and decide upon the allotment of money?

Dr. B. Gopala Reddi: The number of applications received from every industry is not readily available, but we expect that in the next twelve months or so, all the orders will be placed from the industries.

Shri Dasappa: May I know whether the industries to which this fund is likely to be allocated are any different from the industries to which the development loan fund will be diverted?

Dr. B. Gopala Reddi: I have not heard the question.

Shri Dasappa: There is also the development loan fund which we are getting. May I know whether the industries which we are trying to help throguh this Export-Import Bank loan of $150 million will be the same as those that receive help from the development loan fund or whether there is any difference between the two?

Dr. B. Gopala Reddi: One is $150 million, and the other is $ 75 million; together, the sum is $225 million.

Shri Dasappa: In view of the fact that there have been no drawals from this fund till now, may I know whether there is any time by which we are expected to take advantage of these loans?

Dr. B. Gopala Reddi: We expect that in the next twelve months or so, the orders will be placed. Already, we have sent some claims for reimbursement from the Bank.

Shri Rami Reddy: May I know the number of applications from each State?

Dr. B. Gopala Reddi: We do not have that information.

Shri Tangamani: On the last occasion, we were told that out of this loan, Rs. 50 crores were earmarked for the public sector and Rs. 21 crores for the private sector. Now, we are told that Rs. 25 crores are earmarked for the private sector. May I know the reason why the allotment to the private sector has been increased?

Dr. B. Gopala Reddi: It is not a fixed sum. It is a varying figure, and from time to time, we are seeing to the allotments to be made.

Shri Nagi Reddy: In view of the fact that we have fixed some targets for industrial production in the Second Five Year Plan, may I know whether when these loans are being disbursed to the various private and public sector industries, cognisance will be taken of the fact that we should fulfil the Second Five Year Plan targets?

Dr. B. Gopala Reddi: Certainly, all these are being looked into by the Commerce and Industry Ministry and also by the Planning Commission, before the licences are issued.

Shri Hem Barua: Apart from this sum of Rs. 25 crores earmarked, as the statement says, for the private sector, may I know whether it is a fact that Mr. Garner, the president of the International Finance Corporation has made a proposal to invest a few million dollars in the private projects in the country, and if so, may I have an idea of that?

Dr. B. Gopala Reddi: I do not have that information readily available.

Shri Tangamani: In reply to the question whether any priorities have been fixed, the hon. Minister has stated 'No'. May I know whether priority will be given to industries like machine-tools?

Dr. B. Gopala Reddi: Machine tools are already there.

Shri Tangamani: This is one of the essential things. So, I would like to know whether priority will be given to machinery?

Dr. B. Gopala Reddi: Whatever priority is to be given is being considered by the Planning Commission and the Commerce and Industry Ministry.

Shri Dasappa: Is it a fact that there are many projects sponsored by the private sector which are awaiting help contemplated under this loan? If so, why is it that Government have not decided upon sanctioning them as yet? Is it also not a fact that the cement industry is one of the industries for which there are applicants and there are one or two applications pending consideration of Government?

Dr. B. Gopala Reddi: Anyway, the cement industry is included in the projects. There is no undue delay in these matters. But some time-lag is inevitable between approvals and licensing. They have to negotiate with the industries in America.

Shri Rami Reddy: In the distribution of the amount, will applications from under-developed States be given preference, because there are some States like Andhra Pradesh which have no industries, and industries are not properly dispersed?

Dr. B. Gopala Reddi: I do not think the question of under-developed and forward States can be taken into this.

Shri Nagi Reddy: In view of the fact that coal has been given the highest priority in the Second Five Year Plan and in view of the statement that has been placed on the Table of the House that coal has not yet received any loan from this particular Bank, would Government make special efforts to see that coal gets immediate help so that we will be able to fulfil the targets of the Plan?

Mr. Speaker: We are going too much into details.

Shri Nagi Reddy: It is in the statement that coal has not yet received any loan.

Dr. B. Gopala Reddi: They themselves do not want it. They are not sending applications at all. The industry is not applying.

Shri Nagi Reddy: But there is a public sector in coal which can apply for it.

Territorial Army

***777. Shri D. C. Sharma:** Will the Minister of Defence be pleased to state:

(a) whether Government are aware that some Private Companies and Autonomous Bodies of the Government have been discouraging their employees from joining the Territorial Army, both in the Urban Units as well as in Provincial Units; and

(b) if so, the steps taken in this regard?

The Parliamentary Secretary to the Minister of Defence (Shri Fatesinhrao Gaekwad): (a) and (b). A statement is laid on the Table of the Lok Sabha.

Statement

No specific complaints have been received to the effect that a particular Autonomous Body or a Private Company has been discouraging its employees from joining the Territorial Army. One or two gneral complaints have, however, been received that private concerns have not taken interest in the recruitment of their employees in the Territorial Army. Some organised industrial and commercial concerns have on the other hand given positive encouragement and have extended special concessions to their employees who join the Territorial Army.

Shri D. C. Sharma: It is mentioned in the statement that some organised industrial and commercial concerns have given special concessions to their employees to join the Territorial Army. What is the nature of those concessions and whether they will be made known to other organised commercial and industrial concerns?

Shri Fatesinhrao Gaekwad: The concessions are as follows:

(a) Grant of special leave with pay and allowances in addition to military pay for the period of the annual camp upto 14 days except in the case of the Bombay Millowners' Association, Bombay;

(b) Payment of differences between civil and military pay for the period of the embodiment of the Territorial Army personnel for training;

(c) In addition to the above, a bounty of Rs. 50 to each Territorial Army personnel on completing the maximum of 240 hours training is given by the Hindustan Aircraft Ltd., Bata Shoe Company Ltd., Batanagar, have offered Rs. 100 per annum as bonus to every

employee who joins the Territorial Army and completes the full training.

Shri D. C. Sharma: In view of the encouragement given, may I know what is the strength of the Territorial Army now? Has it fulfilled the target or not?

Shri Fatesinhrao Gaekwad: I am afraid it is not in the public interest to disclose it.

An Hon. Member: It is only the Territorial Army.

श्री भक्त दर्शन : इस विवरण में बताया गया है कि बहुत सी प्राइवेट कम्पनिया इस सम्बन्ध में पूरी दिलचस्पी नहीं ले रही है । मैं जानना चाहता हूं कि इस सम्बन्ध में क्या कार्यवाही की जा रही है कि वे पूरी दिलचस्पी लें ।

Shri Fatesinhrao Gaekwad: We can only request them to encourage their personnel to join the Territorial Army.

Shri Assar: Is it a fact that the Territorial Army is held in disrespect in Bombay City and Bombay State because some of the personnel were ordered to open fire?

Mr. Speaker: We are going away from one thing to another. Next question.

Examination System

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*778. { **Shri Subodh Hansda:** / **Shri S. C. Samanta:**

Will the Minister of Education be pleased to state:

(a) whether it is a fact that the Unesco Regional Seminar on Educational Reform for South and South East Asia which met in Delhi recommended a change in the character of examination system in India and other countries in the region; and

(b) if so, the reaction of Government to this recommendation?

The Minister of Education (Dr. K. L. Shrimali): (a) Yes, Sir.

(b) A statement is laid on the Table of the Lok Sabha.

Statement

(b) The Seminar made only a general recommendation that the character of examination should be changed in such a way that it becomes a test not merely of the academic attainment of the pupil but of his real educational growth and development. The final report on the Seminar is being prepared by Unesco Secretariat which will be circulated to the participating Member States including India. The Government of India are, however, already favourably inclined towards the question of reform in the system of examinations in India and the matter is now engaging the attention of the All India Council for Secondary Education and the University Grants Commission.

Shri Subodh Hansda: May I know whether it is a fact that a team of educationists was sent to U.S.A. to study the prevailing examination system there with a view to introduce here the new system of education? If so, have they submitted any report to Government, and what are the main observations thereon?

Dr. K. L. Shrimali: Yes, they have already started working.

Shri Subodh Hansda: Is it a fact that four American experts were invited to advise Indian Universities in connection with the reform of the examination system?

Dr. K. L. Shrimali: I am not aware of four experts having come. One expert had come.

Shri S. C. Samanta: May I know whether any experiment is being carried out in any of the schools in India on the lines in which reform of the examination system is going to be taken up?

Dr. K. L. Shrimali: Aligarh University is working out some experiments.

Shri Hem Barua: The statement says that the UNESCO Seminar Report is being submitted; at the same time, it says that the University Grants Commission and the All India Council for Secondary Education are engaged in

the reform of the examination system. May I know whether these two organisations will adopt measures independently of the Seminar's recommendations or they will adopt those measures in the light of the recommendations of the Seminar?

Dr. K. L. Shrimali: Independently of the recommendations of the Seminar, this question has been engaging the attention both of the All-India Council for Secondary Education and the University Grants Commission. In fact, our own Commissions, the Secondary Education Commission and the University Education Commission, had made certain recommendations with regard to the reform of the examination system.

Shri Tangamani: May I know whether any of the recommendations of the University Grants Commission and also of the All India Council for Secondary Education have been adopted in any of the Universities or Schools in any of the States?

Dr. K. L. Shrimali: Several Universities have undertaken this reform. I remember I answered this question at an earlier stage when I informed the House about this and also gave the names of the Universities which were carrying out that reform. I do not have that information just now with me. But I am quite definite that some Universities have undertaken this programme.

श्री जगदीश अवस्थी : क्या मंत्री जी बताने का कष्ट करेंगे कि इस सैमिनार की रिपोर्ट में भारतीय परीक्षा-पद्धति के किस प्रकार के दोषों को बताया गया है ।

Dr. K. L. Shrimali: The Seminar that was conducted for the South East Asian region did not go into the details of any system of examination in any country. They made some general recommendations with regard to examinations.

श्री ब्रज राज सिंह : हिन्दीं में बोलिए ।

श्री नाथ पाई : हिन्दीं में उत्तर देनें का प्रयत्न करें ।

श्री जगदीश अवस्थी : मैं मन्त्री जी से प्रार्थना करूंगा कि वह कृपया हिन्दीं में उत्तर देने का कष्ट करें ।

डा० का० ला० श्रीमाली : मैं निवेदन करना चाहता हूं कि यह जो सेमिनार हुआ . .

श्री त्यागी : सेमिनार का महफ़ल कहते हैं ।

डा० राम सुभग सिंह : गोष्ठी ।

डा० का० ला० श्रीमाली : . . . . . यह जो गोष्ठी हुई, उसका खास मकसद यह था कि साउथ ईस्ट एशियन मुल्कों की शिक्षा पद्धति के बारे में विचार करें और उसने किसी भी देश की शिक्षा-पद्धति के बारे में विशेष रूप से विचार नहीं किया और ध्यान नहीं दिया । उस गोष्ठी ने भारतीय शिक्षा-पद्धति पर कोई खास तरह से विचार नहीं किया ।

Mr. Speaker: Question No. 779.

Shri Hem Barua: May I request that question No. 807 may also be taken up with this question? The subject is almost the same.

Mr. Speaker: Yes. The hon. Minister will answer that question also.

Fifth Inter-University Youth Festival

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*779. **Shri Sanganna:**
Shri D. C. Sharma:
Shri Supakar:
Shri Raghunath Singh:
Shri Sampath:
Shri Ansar Harvani:
Shri E. Madhusudan Rao:
Shri Panigrahi:
Shri Vajpayee:
Shri U. L. Patil:
Shri Hem Barua:
Shri A. K. Gopalan:

Will the Minister of Education be pleased to lay a statement on the Table showing:

(a) the total expenditure incurred by Government on the Fifth Inter-University Youth Festival held in New Delhi;

(b) precautionary measures taken to ensure wholesome supply of food stuffs and sanitary conditions in the camp;

(c) the names of the Universities which did not participate in the festival and the reasons therefor; and

(d) whether it is a fact that tickets were sold to the general public only for the final day of the Festival?

The Minister of Education (Dr. K. L. Shrimali): (a) Rs. 3 lakhs have been sanctioned but the accounts have not been finalised.

(b) and (c). Two statements are placed on the Table of the House. [*See* Appendix III, annexure No. 90.]

(d) Yes, Sir.

Inter-University Youth Festival

*807. { Shri Hem Barua: Shri H. N. Mukerjee: Shri E. Madhusudan Rao: }

Will the Minister of Education be pleased to state:

(a) whether assessment is being made of the value of Inter-University Youth Festivals as organised so far;

(b) whether any conclusions, tentative or otherwise have emerged;

(c) whether there is any proposal to hold these festivals at different university centres in future; and

(d) if so, details thereof?

The Minister of Education (Dr. K. L. Shrimali): (a) No formal assessment is being made, but the Ministry is satisfied with the increasing usefulness of the Youth Festivals.

(b) Does not arise.

(c) and (d). Suggestions have been received from some quarters for the change of the venue; and they will be examined shortly.

Shri Sanganna: May I know whether any rules and regulations have been framed for the conduct of these Festivals? If so, will Government be in a position to place them on the Table of the House?

Dr. K. L. Shrimali: Yes, I will be glad to do that.

Shri Hem Barua: My supplementary relates to question No. 807. In view of the criticism levelled against this Youth Festival that it has become a combination of frothy cosmopolitanism and cheap exhibitionism......

Mr. Speaker: The hon. Member need not pass any remarks. He may straightway ask the question. I am not going to allow the Question Hour for hon. Members to ventilate what, according to them, are the opinions or the things that ought to be suggested or taken note of by Government. They must only put questions and elicit information.

Shri Nath Pai: He only tried to bring home some of the criticisms....

Shri Hem Barua: My supplementary is interlocked with this. My supplementary will naturally follow out of this.

Mr. Speaker: Hon. Members have got a way of putting questions by just saying that some other man is of such and such an opinion and themselves persisting in that and bringing it to the notice of the House in the Question Hour. Other time might be taken advantage of for this and not the Question Hour. What is the straight question?

Shri Hem Barua: In view of the fact that the Youth Festival appeared as a combination of frothy cosmopolitanism and cheap exhibitionism....

Mr. Speaker: I am not going to allow these remarks to be made during the Question Hour. Hon. Members may elicit information. This is not the occasion for them to give their own opinions about the activities of the Government. What is the straight question? He has no more questions to ask, it seems. Shri Vasudevan Nair.

Shri Hem Barua: I would like to put the supplementary now.

Mr. Speaker: I am not going to allow. Shri Vasudevan Nair.

Shri Vasudevan Nair: May I know whether there is any uniform rule for the selection of teams from the various States and how that is being done?

Dr. K. L. Shrimali: I have already said in answer to a previous question that I shall be very glad to place all the rules on the Table of the House.

Shri Hem Barua: Are Government aware of the criticisms made against the Youth Festival that it is a combination of frothy cosmopolitanism end cheap exhibitionism......

Mr. Speaker: I cannot allow that.

Shri Hem Barua: Are Government aware of the criticisms made against the Youth Festival that the standard of performance of several musical items were poor and it was only a combination of rock'n roll and cheap Bombay film music?

Dr. K. L. Shrimali: That is not true. I do not accept that insinuation. We had appointed eminent artists to judge the performance of the students and they had spoken very highly of them on the last day when they gave the reports.

श्री इ० मधुसूदन राव : चार बार यूथ फैस्टिवल इधर उत्तर भारत में हो चुका है । सको अगर दक्षिण में मनाया जाए तो इससे वहां के लोगों को पार्टिसिपेट करने में सुविधा होगी, क्या इस पर विचार किया गया है या वहां मनाने का प्रयत्न किया जाएगा ?

डा० का० ला० श्रीमाली : मैंने इस बार यह निश्चय किया है कि अगर भारतवर्ष के दूसरे प्रान्तों में यूथ फैस्टिवल हो सके तो मुझे बड़ी खुशी होगी और इसका प्रयत्न किया जाएगा ।

श्री इ० मधुसूदन राव : दक्षिण भारत में उस्मानिया यूनिवर्सिटी तनी बड़ी निवर्सिटी है कि वहां पर यूथ फैस्टिवल मनाने में कोई दिक्कत नहीं हो सकती । मेरा ख्याल है कि अगर ऐसी किसी जगह को ढूंढ कर यूथ फैस्टिवल मनाया गया तो दक्षिण वालों के लिए बड़ा मफ़ीद होगा ।

डा० का० ला० श्रीमाली : यदि दक्षिण में सको मनाया जा सके तो मुझे बड़ी प्रसन्नता होगी ।

Shri Thirumala Rao: Has the attention of Government been drawn to a remark which has been made by the Chairman of the University Grants Commission that our youth are being engaged more in these lighter activities to the detriment of their serious studies?

Dr. K. L. Shrimali: I had read a report to this effect in the Press. But, I do not think the Chairman had this Youth Festival in view because he himself had come to the Youth Festival and he had praised for festivals of this type.

Shri Ansar Harvani: May I know whether the messing arrangements which resulted in the illness of some participants were entrusted to a contractor or were made by the Ministry or was there a messing department of the participants?

Dr. K. L. Shrimali: I had laid a statement on the Table of the House which gives full details of all the arrangements that were made by the Ministry with regard to food arrangements and catering arrangements. The Medical Officer had examined the whole thing very very carefully and there were no complaints as far as food arrangements were concerned.

Shri Khadilkar: Because of this annual feature, there is a good deal of distraction of the students from their careers and all their activities are concentrated round the preparation for the next year's festival. Will Government take some measures by which this part of distraction will be minimised?

Dr. K. L. Shrimali: I would be the last person to cause any distraction as

far as the studies of students are concerned. It is generally felt that if the students get an opportunity to come together and meet together and live a corporate life for a few days, it develops national consciousness among the students; and that is a very great gain which we should not minimise.

Shri Sampath: Some universities made some representations regarding the change of venue from Delhi from time to time; and may I know the reaction of Government?

Dr. K. L. Shrimali: I have already answered that question. Some suggestions have come and I would be very happy if the Youth Festivals were held in other parts of the country.

Shri Narayanankutty Menon: May I know whether it is not a fact that most of the allegations made against this Youth Festival are those which were casting aspersions upon the youth who were participating there? May I also know whether the Government would consider repudiating them?

Dr. K. L. Shrimali: I am not aware of any aspersions being cast. But Government do not propose to repudiate it because we are not aware of any aspersions being cast upon the youth of the country.

श्री नवल प्रभाकर : मैं माननीय मन्त्री महोदय का ध्यान अखबारों की उस आलोचना की ओर आकर्षित करना चाहता हूं जिस में कहा गया था कि इस यूथ फैस्टरी फैस्टिवल के लिए जो टिकटें बेची गई थीं उनका ठीक तरह से विक्रय नहीं किया गया था। मैं जानना चाहता हूं कि आगे के लिए इसका ध्यान रखा जाएगा ?

डा० का० ला० श्रीमाली : जी हां, इसका बराबर ध्यान रखा जाता है और आइन्दा भी ध्यान रखा जाएगा।

श्री रघुनाथ सिंह : क्या माननीय मंत्री महोदय को मालूम है कि इस फैस्टिवल के खिलाफ जो भी एलिगेशन्स लगाये गये हैं वे ज्यादातर हिन्दुस्तान की एक खास राजनीतिक पार्टी के द्वारा लगाये गये हैं, क्या यह बात ठीक है ? ये एलिगेशन्स कम्युनिस्ट पार्टी की तरफ से लगाये गये हैं।

डा० का० ला० श्रीमाली : यही मैं निवेदन करना चाहता हू कि इस फैस्टिवल को किसी पोलिटिकल पार्टी से सम्बन्धित न किया जाए। यह यूनिवर्सिटीज के लड़कों का फैस्टिवल होता है, इनको यूनिवर्सिटीज भेजती है और इससे किसी राजनीतिक दल का कोई सम्बन्ध नहीं है।

श्री रघुनाथ सिंह : एलिगेशन्स जो लगाये गये है, वे कम्युनिस्ट पार्टी की तरफ से ज्यादातर लगाये गये है, क्या यह ठीक है ?

Shri D. C. Sharma: Five of the universities did not participate in this. I know the causes for the non-participation of one of them. May I know the reasons given for the non-participation of the other four universities *viz.* Madras, Mysore, Viswa Bharati and Venkateshwara? May I know if by the time of the next festival the causes of this non-participation will be removed as far as possible?

Dr. K. L. Shrimali: Care will be taken; but every time one or two universities fall out because of one reason or the other.

Anonymous Complaint

*780. **Shri Harish Chandra Mathur:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether Government have revised their attitude for taking action in respect of anonymous and pseudonymous complaints against Government servants; and

(b) whether any instructions have been issued in this connection?

The Minister of Home Affairs (Pandit G. B. Pant): (a) and (b). Instructions on this subject are contained in Home Ministry's Office Memorandum No. 40/4/51-Ests., dated

the 11th July, 1951, a copy of which is placed on the Table of the House. [See Appendix III, annexure No. 91.] As stated therein, action is taken on such complaints only when there are reasons to believe that there is some substance in them.

Shri Harish Chandra Mathur: Is it a fact that there is an ever-increasing number of such anonymous and pseudonymous letters and that in a substantial number of cases investigations have been started on such letters?

Pandit G. B. Pant: Since the establishment of the Vigilance Division investigations have been started on such complaints too, but only in such cases where facts and particulars have appeared in the complaints which *prima facie* indicate that they were worth relying upon.

Shri Harish Chandra Mathur: In how many cases, this year, was investigation started on pseudonymous complaints and in how many cases in which such investigations were started was the result to the effect that the complaints were substantial?

Pandit G. B. Pant: I cannot give that detailed information. But, sufficient information has been given in the report of the Directorate of Vigilance for 1957 which was published some time ago.

Shri Ramanathan Chettiar: What is the preliminary step that is taken when an anonymous or pseudonymous complaint is received against a Government servant?

Pandit G. B. Pant: Ordinarily, if it does not give any particulars, it is ignored. When it gives particulars which indicate that it is desirable to take action on it, action is taken.

श्री भक्त दर्शन : श्रीमान, अभी बतलाया गया कि गुमनाम शिकायती पत्रों पर कार्यवाही तब होती है जब उनकी शिकायतें सब्सटैन्शियल नेचर की हों, तो मैं सबटैन्शिएल नेचर की परिभाषा जानना चाहता हूं ।

पंडित गो० ब० पन्त : मैंने सब्सटैन्शियल नेचर की तो नहीं कहा । मैंने तो यह कहा कि जब उनमें कोई खुलासा या तफ़सील ऐसी हो जिससे कि बात शायद सही हो सकती हो, तब उन पर अमल किया जाता है ।

Shri Tangamani: This taking action on an anonymous report is based on a certain directive which was issued in 1939. In view of the fact that aspersions should not be made against the officials, may we know whether the Ministry will consider the question of issuing fresh directives to ignore generally these anonymous complaints?

Mr. Speaker: It is a suggestion for action.

Pandit G. B. Pant: The directions were not given in 1939 but in 1951 and the position as it had developed has already been stated by me.

Shri Harish Chandra Mathur: Have the Government considered the setting up of any organisation to which a complaint could be made in confidence and the complaint could be kept confidential but may not be anonymous?

Pandit G. B. Pant: Yes, there is the Vigilance Division and also there is the Special Police Establishment. We will respect the confidence of people who want to make complaints confidentially.

Shri Tyagi: Is any effort made to investigate about the writers of such anonymous complaints or reports as contain libellous allegations against respectable officers?

Pandit G. B. Pant: Not invariably.

Steel Production

*781. **Shri Bahadur Singh:** Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) the estimated quantity of steel production in the country by the end of the Second Five Year Plan in public and private sectors separately; and

(b) the quantity that the country will be able to export?

The Parliamentary Secretary to the Minister of Steel, Mines and Fuel (Shri Gajendra Prasad Sinha): (a) The hon. Member presumably refers to the capacity for production. This would be 2·2 million tons per year in the public sector and 2.3 million tons per year in the private sector. Actual production may, however, vary.

(b) The entire steel produced is expected to be consumed in the country. But it is likely that we might have some surpluses in some categories. It is not possible at present to assess this surplus quantitatively.

Shri Jaipal Singh: Is it a fact that with some additions the production capacity of Rourkela plant can be increased to a greater extent than Bhilai and Durgapur plants?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): That is correct; it can be stepped up to 1·6 million tons.

Shri Morarka: May I know the anticipated actual production in the public sector by the end of the Second Plan?

Sardar Swaran Singh: It is not easy to make an assessment at the present stage.

Shri Rameshwar Tantia: May I know whether the annual production will be according to the target or less or more than that given in the Second Plan?

Sardar Swaran Singh: That is our expectation.

Shri Basappa: May I know whether any attempt is made to raise the production of iron and steel in Bhadravati Iron and Steel Works and if so, to what extent?

Sardar Swaran Singh: Yes, Sir. Their aim is to reach one lakh tons whereas at the commencement of the Plan period, they were producing 30,000 tons per year.

Shri Khadilkar: May I know if the hon. Minister's attention has been drawn to a statement made by Shri Biren Mukerjee, Chairman of the I.I.S.C.O. to the effect that all these plants are likely to result in surfeit of steel and iron in this country and there would not be any export market?

Sardar Swaran Singh: I read a Press report to that effect.

Shri Jaipal Singh: Is it a fact that while the production of steel plates of maximum thickness and length is possible at Rourkela it is not so in the other two plants and if so, what is the reason for that?

Sardar Swaran Singh: The other two plants really are not for flat production whereas Rourkela steel plant is primarily for flat production.

Shri Jadhav: May I know what is the availability of raw iron and how much of it is exported to earn foreign exchange?

Sardar Swaran Singh: I presume the hon. Member is referring to pig iron which was the subject of a lengthy question here the other day.

Shri Bimal Ghose: Does the answer of the hon. Minister mean that no steel will be permitted to be exported unless domestic consumption is fully met? Is it the policy of the Government?

Sardar Swaran Singh: That can be said to be the broad policy because our internal requirements should really have preference. But as to what are our internal requirements will always be a matter of planning a very essential part of which would depend upon what is the pattern of industrial development that we intend to produce for the country. Our requirements will very much depend upon the industrial pattern that we evolve.

श्री अ० मु० तारिक : मैं यह जानना चाहता हूं कि यकुम अक्तुबर को आलन्धर में आनरेबुल वजीर महकमा स्टील, माइन्स

एक्स वजूर ने यह फरमाया था कि हम इस साल के आखीर तक इस क़ाबिल हो जायेंगे कि लोहे की तादाद दुगुनी हो जाय और इस क़दर ज्यादा हो जाय कि हम बाहर के मुल्कों को भी सप्लाई कर सकें, मैं यह जानना चाहता हूं कि इस दौरान ऐसे क्या वाक़यात पेश आये कि यह काम आख़िर को नहीं पहुंच सका ?

सरदार स्वर्ण सिंह : मुझे ठीक से तो याद नहीं कि कौनसी तक़रीर के मुताल्लिक़ मेरे लायक़ दोस्त हवाला दे रहे हैं मगर यह ठीक है कि पिग आयरन के मुताल्लिक़ अब हम इस पोज़ीशन में हैं कि हम अपने देश से इसको बाहर भेज सकें और मेरा ख्याल है कि उसी पिग आयरन के मुताल्लिक़ ही मैंने वहां भी कहा होगा । अगर किसी उर्दू प्रेस में ऐसा न छप कर गलत छप गया हो तो अगर माननीय मेम्बर उसे मेरे नोटिस में लायें तो मैं उसको देख लूंगा ।

Shri A. M. Tariq. It is the *Times of India*, dated the 1st October, 1958.. . (*Interruptions*).

Sardar Swaran Singh: Then, it must be pig iron because I do not suppose that an English newspaper can make a mistake about my statement; it must be pig iron...... (*Interruptions.*)

An Hon. Member: Only Urdu paper can make a mistake!

Sardar Swaran Singh: Because, while translating pig iron they might have translated it into steel.

Shri Morarka: Do I understand from the previous answer given by the hon. Minister that the Government has no estimate prepared for the actual production of steel in the public sector by the end of the Second Plan?

Sardar Swaran Singh: We have. It is expected that the capacity that is developed will be really utilised for the production of steel. But because there will be a number of teething troubles, it will be very unfair to make an assessment that the actual production will be to the maximum capacity that is there in the country.

Shri Morarka: What are the estimates?

Sardar Swaran Singh: The estimates are the capacity which have already been given in the reply.

Shri Kamalnayan Bajaj: May I know whether the Government has any plan so that the likely surplus of the steel which is going to be produced will be utilised by the subsidiary industries in this country?

Sardar Swaran Singh: That is a bigger question depending on as to what is going to be the picture of our industrial pattern.

Higher Technological Institute at Kanpur

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*782. **Shri Ram Krishan:**
Shri S. M. Banerjee:
Shri Ajit Singh Sarhadi:
Shri Jagdish Awasthi:

Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) whether land for the establishment of the Higher Technological Institute at Kanpur has been finally acquired, and

(b) if so, when the construction work is likely to be started?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) The land is being acquired.

(b) Construction work is proposed to be started early in 1959-60.

Shri Ram Krishan: May I know the total amount to be spent on this project?

Dr. M. M. Das: During the Second Plan period, Rs. 2 crores have been earmarked but for developing the institution to the fullest extent, the total expenditure will be about Rs. 6 crores.

श्री जगदीश अवस्थी : क्या मन्त्री जी को मालूम है कि जिस जगह पर इस संस्था का निर्माण होने जा रहा है वहां के हजारों कृषकों की हजारों बीघा उपजाऊ जमीन ली जा रही है और उनको गृहविहीन किया जा रहा है, ऐसी अवस्था में क्या केन्द्रीय सरकार ने उन गृहविहीन और भूमिहीन किसानों को जमीन देने के लिए या उनको काम देने के लिए कोई ऐसी सलाह राज्य सरकार को दी है ?

Dr. M. M. Das: According to the scheme, the U.P. Government has to hand over the required quantity of land to the Central Government. The U.P. Government has agreed, and they are going to hand over to us 1,200 acres of land—for the present they are going to hand over 500 acres. How they have acquired that land, what compensation they have paid and what hardship will be cause, I cannot say.

श्री जगदीश अवस्थी : मैं जानना चाहता हूं कि क्या केन्द्रीय सरकार कोई विशेषज्ञों का दल इस शिक्षा संस्था के सम्बन्ध में जानकारी प्राप्त करने के लिए भेज रही है, और यदि भेज रही है तो वह दल कब जायेगा और क्या कार्य करेगा ?

Dr. M. M. Das: I could not follow the question properly.

Shri Jagdish Awasthi: About experts.

Dr. M. M. Das: The United States Government have agreed to help us in the establishment of this institution. The T.C.M. on behalf of the U.S.A. Government have brought to this country six experts in the field of technical education and engineering education. This team has already arrived and those experts will be here for two months.

Shri T. B. Vittal Rao: It was stated a few days ago that admission to the Higher Technological Institute in Madras will be started from 1st July, 1959. May I know whether at Kanpur also the same facility will be given and they will not wait till the construction of the building?

Dr. M. M. Das: Sir, the present question is about Kanpur Higher Technological Institute. The hon. Member may take a little more trouble and give notice of the matter relating to the Madras Institute.

Mr. Speaker: The hon. Minister did not follow what he asked. He asked information about the Kanpur Institute.

Dr. M. M. Das: It is hoped that the institute at Kanpur will start functioning by the year 1960.

Shri Dasappa: In view of the fact that practically all the technological institutes are being located in big cities and urban areas, is there not a suggestion that they must be started in rural areas?

An Hon. Member: In Mysore?

Dr. M. M. Das: We select the sites in consultation with the State Governments.

Sanskrit Education

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*783. { **Shri Shree Narayan Das:**
Shri Prakash Vir Shastri:

Will the Minister of **Education** be pleased to state:

(a) the number of applications received from Sanskrit Organisations regarding Standardisation and recognition of examination and diploma in respect of Traditional Sanskrit Education giving separate figures for each State;

(b) whether the applications have been finally disposed of; and

(c) if so, the results of such disposal?

The Minister of Education (Dr. K. L. Shrimali): (a) Andhra Pradesh 4

Bombay	5
Madras	2
Madhya Pradesh	1
Punjab	1
Uttar Pradesh	3

(b) No, Sir, because disposal is possible only after complete picture is before us. Replies from some State Governments and Universities, who were also addressed in this matter, are awaited.

(c) Does not arise.

Shri Shree Narayan Das: May I know whether this question will be examined by any special body set up for this purpose or it will be examined by the department itself?

Dr. K. L. Shrimali: After we have received replies from all the State Governments we propose to set up a committee which will go into this question.

Shri Shree Narayan Das: May I know whether the University Grants Commission will have to do anything in this respect?

Dr. K. L. Shrimali: The University Grants Commission has also been addressed in the matter. They have been requested to examine the recommendations of the Sanskrit Commission, and we are awaiting their opinion.

Shri Supakar: May I know, apart from appointing this Sanskrit Commission and examining its report for the last one year and more, what concrete steps the Government have taken to promote Sanskrit education in the country? May I also know what help the Government of India have given to the respective State Governments for the two purposes mentioned here, standardisation of the language and examining the standard of examination in the traditional Sanskrit education in the different States in India?

Dr. K. L. Shrimali: I have already answered the latter part of the question. We have written to the State Governments and some of them have already replied. We have again sent reminders to the rest, and as soon as all the replies are received the matter will be fully examined. Now, with regard to the promotion of Sanskrit, the House is aware that the Commission was appointed. The Commission has made certain recommendations, and they are being examined. I hope by the time the House meets next for the Budget Session I may be in a position to give certain concrete action that we propose to take in regard to these matters.

Shri Supakar: May I know why the report is not being published?

Dr. K. L. Shrimali: The report has been published and has been laid on the Table of the Sabha.

Shri Narayanankutty Menon: May I know whether any provision has been made by the Education Ministry for giving aids to those institutions which are conducting separate courses in the traditional Sanskrit education?

Dr. K. L. Shrimali: All these matters are being examined. Government do propose to give grants to such organisations.

Shri Hem Barua: May I know whether Government are aware of the fact that Sanskrit education is sustaining a loss of popularity in the universities; and, if so, whether Government have tried to evaluate the reasons for this loss of popularity?

Dr. K. L. Shrimali: The whole question has been very carefully examined by the Sanskrit Commission which went round the country and has given very careful thought to this matter. All its recommendations are being examined and, as I said, I should be able to let the hon. Member know a little later what we propose to do about this matter.

श्री भक्त दर्शन : अभी माननीय मंत्री जी ने बतलाया कि इस प्रश्न का सम्बन्ध संस्कृत शिक्षा का जो आयोग बना था उसकी रिपोर्ट से है । मैं जानना चाहता हूं कि उस आयोग की सिफारिशों को कार्यान्वित करने में इतनी देरी क्यों हो रही है और कौनसी खास अड़चनें हैं ?

डा० का० ला० श्रीमाली : शिक्षा का अधिकतर सम्बन्ध राज्य सरकारों और

विश्वविद्यालयों से है । जहां तक केन्द्रीय सरकार का सम्बन्ध है, उसका इस विषय से सीधा सम्बन्ध नहीं पड़ता । इसलिए जो भी काम इस सम्बन्ध में हो सकता है वह राज्य सरकारें और विश्वविद्यालयों से मशविरा करने से ही हो सकता है । और जैसा कि मैंने निवेदन किया इस बारे में पत्र व्यवहार हो रहा है । कुछ विश्वविद्यालयों और राज्य सरकारों के जवाब आ गये हैं, कुछ के आने बाकी हैं । ज्यों ही सब के जवाब आ जायेंगे इसके बारे में उचित कार्यवाही की जायेगी ।

Shri M. R. Krishna: May I know whether any request for assistance has been received from the Sanskrit College at Alwal in Andhra Pradesh; if so, what assistance has been so far extended to it?

Dr. K. L. Shrimali: Some assistance was given; but if the hon. Member will put down a specific question I shall be very glad to answer it.

Shri Khadilkar: In early British period, Sanskrit Patashalas, as they were called, were supported by Government, and they used to give good grounding in Sanskrit. Is there any proposal to sanction some aid to Patashalas in the old pattern so as to revive them.

Dr. K. L. Shrimali: All these matters are under examination.

Shri Assar: May I know whether it is a fact that some of the devoted Sanskrit scholars who are trying to popularise simple Sanskrit have approached Government for help?

Dr. K. L. Shrimali: Whenever scholars approach for some kind of assistance the applications are examined on merits. If the hon. Member has any particular person in view he may kindly let me know so that I will be able to give him a definite answer.

Report of the Indian Fund Bank Delegation to the Annual Conferences

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*784. **Pandit D. N. Tiwary:**
Shri D. C. Sharma:
Shri S. M. Banerjee:
Shri Ram Krishan:
Shri Supakar:
Shri N. R. Munisamy:
Shri Vasudevan Nair:
Shri Nagi Reddy:
Shri Narayanankutty Menon:
Shri P. K. Deo:
Shri B. C. Prodhan:
Shri Halder:
Shri Hem Barua:

Will the Minister of **Finance** be pleased to state:

(a) whether the Indian delegation to the Fund Bank Conferences held in New Delhi during October, 1958 has submitted its report;

(b) whether a copy of it will be laid on the Table; and

(c) what are Government's views on the decisions arrived at these Conferences?

The Minister of Revenue and Civil Expenditure (Dr. B. Gopala Reddi): (a) Yes, Sir.

(b) A copy of the Report was laid on the Table on 2nd December, 1958.

(c) The only important decision arrived at the 1958 annual meetings of the Fund and Bank was with regard to an increase in the resources of the Fund and the Bank. Separate resolutions, authorizing the respective Executive Boards of the Fund and Bank to submit appropriate proposals to the Boards of Governors for an increase in the resources of both the Fund and Bank, were adopted. The Government of India have expressed their full agreement in principle with these resolutions.

Pandit D. N. Tiwary: May I know what other countries participated in this Conference?

Dr. B. Gopala Reddi: About 68 countries participated in this World Bank Conference.

Pandit D. N. Tiwary: May I know whether any specific proposals were put forward by Government of India at this Conference?

Dr. B. Gopala Reddi: No, Sir: the Government of India agreed with the proposal made by the USA and UK Governments that the resources of the Fund and Bank may be enlarged.

Shri Hem Barua: May I know whether it is a fact that Mr. Sadle, the leader of the Japanese Delegation to the World Bank Conference, made a proposal for a common reserve fund for assistance to under-developed countries of Africa and Asia and the opinion of India was sounded in this matter and, if so, what was the reaction of the Government of India?

Dr. B. Gopala Reddi: I do not think it was made at this conference. Perhaps it was made elsewhere. We are not aware of any such proposal made by the Government of Japan.

Shri Ram Krishan: May I know whether any specific suggestion was made for raising the fund?

Dr. B. Gopala Reddi: They are trying to enlarge the resources and by enhancing the quotas which each Government has to give, they propose to raise additional resources so that they may help the under-developed countries.

Shri Narayanankutty Menon: In answer to a question the other day, the hon. Minister stated that certain reports made by the World Bank officials were made to the World Bank directly and therefore the Government has no copy of that. May I know whether the Indian delegation to the World Bank Conference has received a copy of the report and, if so, whether the hon. Finance Minister will lay a copy of it on the Table of the House?

The Minister of Finance (Shri Morarji Desai): It does not arise out of this question at all.

Shri N. R. Munisamy: May I know whether any thought has been given by this Conference to the proposal made by President Eisenhower to establish a common pool to be subscribed by certain member countries and, if so, what is the subscription to be made by the Government of India?

Dr. B. Gopala Reddi: The Government of India also agree with the principles of it, and the details have to be worked out by the executive directors. Later on it may come before the Government of India also.

Mr. Speaker: Next question.

Shri Hem Barua: One supplementary. My name is also there.

Mr. Speaker: I know. I have allowed him one question already.

Shri Hem Barua: One question relating to the Finance Minister.

Mr. Speaker: Seth Achal Singh.

सेठ अचल सिह : क्या यह रिपोर्ट सदन के सदस्यों को अवलोकनार्थ दी जायेगी ?

Dr. B. Gopala Reddi: It was laid on the Table of the House on the 2nd December.

Shri Hem Barua: My question relates to the Finance Minister.

Mr. Speaker: I have allowed him one question. The hon. Members cannot exhaust the whole subject by questions.

Shri Hem Barua: One supplementary.

Mr. Speaker: I have allowed him one supplementary. There is no supplementary to a supplementary! Shri Nath Pai.

Shri Nath Pai: Is it a fair assumption to say that the criticism at the Conference tended against the socialist pattern of our economy and tended to take a favourable view of more help being given to the private sector? Speeches were made which showed that.

Shri Morarji Desai: The inference is not correct.

Shri Hem Barua: May I know whether it is a fact that our Finance Minister who addressed the Conference emphasized the need for a supplementary agency for long-term loans, a project which might not be quite profitable but which may be basic to development, and if so, what was the reaction of the Conference?

Shri Morarji Desai: I made no such proposal.

Mr. Speaker: The hon Member knows more than the hon Minister!

Shri Hem Barua: I wanted to know this The proposal emphasized the need for a supplementary agency to make long term loans, which might not be profitable but which may be a basis for development That was what the newspapers carried

Shri Morarji Desai: Newspapers carry many things which have no basis in fact

Water Supply in Bokaro Collieries

*785 **Shri T. B. Vittal Rao:** Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) whether the scheme prepared by the Bombay Engineer for adequate supply of purified water to the workers in Bokaro Coalfields has been examined by the National Coal Development Corporation;

(b) if so, the nature of decision arrived at; and

(c) what is the estimated cost of the scheme?

The Parliamentary Secretary to the Minister of Steel, Mines and Fuel (Shri Gajendra Prasad Sinha): (a) Yes.

(b) and (c) The Bombay Engineer had proposed several alternative schemes, with the estimated cost of each ranging from Rs. 45 lakhs to Rs. 1.05 crores. The Corporation have decided to obtain the services of suitable consulting engineers to advise them which of these schemes should be preferred and to draw up a detailed plan and estimate.

Shri T. B. Vittal Rao: May I know how many alternative schemes this Bombay engineer has suggested, so that it has become necessary to invite consultants to decide the point?

Shri Gajendra Prasad Sinha: The Bombay engineer has submitted nearabout five or six schemes I have already mentioned the amount.

Shri T B Vittal Rao: May I know who are the consultants with whom the NCDC is consulting on this matter?

Shri Gajendra Prasad Sinha: It is trying to find out the consultants We have not yet finalized the work about the consultants

Shri T B. Vittal Rao: May I know for how long this question has been under the consideration of the NCDC?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): Actually, the schemes which were suggested by the Bombay engineer covered the question of water supply both to the workers who are working in the collieries which are managed by the NCDC as also the collieries in the private sector As the private sector did not show any great enthusiasm we contacted the Bihar Government Their reactions were also not very favourable Therefore, we are trying to work out schemes, in the first instance, to cover the workers in the collieries which are run by the NCDC

Shri Prabhat Kar: In view of the fact that this purified water is to be supplied to the workers and the delay has taken place in deciding the consultants, may I know how long it will take now for the consultants to be examined and this scheme to be put into effect?

Sardar Swaran Singh: I agree with the hon. Member that we should do

everything possible to supply good quality water to the workers. But it will be wrong to create an impression as if water is not being supplied. These are schemes really to supplement the water that is already being supplied and to make it better. So, it is not as if nothing is being done These were schemes for improvement of the existing means of supply and every effort will be made to take a decision as soon as possible.

School for the Orthopaedically Handicapped

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*786. { Shri R. C. Majhi:
Shri Subodh Hansda:
Shri Liladhar Kotoki:

Will the Minister of Education be pleased to state:

(a) whether the scheme for setting up of a model school for the orthopaedically handicapped children has been approved by Government;

(b) if so, where this school will be located; and

(c) the progress made up-to-date in setting up of the School?

The Minister of Education (Dr. K. L. Shrimali): (a) to (c). The scheme for the establishment of this school and its location are under consideration.

Shri R. C. Majhi: May I know what is the total amount allotted for this scheme?

Dr. K. L. Shrimali: There is a provision of Rs. 2·75 lakhs in the second Five Year Plan for the implementation of this scheme.

Shri Subodh Hansda: May I know what steps Government propose to take to employ these handicapped children after their education?

Dr. K. L. Shrimali: This does not arise out of this question.

Mr. Speaker: He wants to know what employment they might get afterwards.

Dr. K. L. Shrimali: Government is already considering that question of finding suitable employment for the handicapped children—those who have received some kind of training. In fact, there is a proposal to set up a special unit of Employment Exchange for these people.

Shri Tangamani: May I know whether there exists now any school attached to any of the hospitals in the country and, if so, on what basis the children are recruited to those schools?

Dr. K. L. Shrimali: I have no information If the hon. Member will give me notice, I shall be glad to supply an answer.

Shri Subodh Hansda: May I know if it is a fact that an ILO expert from the United Kingdom offered to advise the Government regarding the employment of these handicapped children?

Dr. K. L. Shrimali: This question does not arise out of the main question. If the hon. Member puts a separate question, I will answer it.

Shri Liladhar Kotoki: May I know what is the capacity of this school? I mean the number of children that would be admitted into the proposed school.

Dr K. L. Shrimali: The scheme is under examination, but it is proposed that initially it should provide accommodation for 50 children.

Shri H. C. Heda: May I know whether at the time of providing for this school, the question of hospitals for these children will be taken into account and, if so, what are the places where such good hospitals exist now?

Dr. K. L. Shrimali: One important factor that has to be taken into account is the provision for occupation therapy for these children and I am

quite sure that all these matters would be examined when the Government considers the question of location of the school.

Shri Liladhar Kotoki: In view of the fact that the number of handicapped children in the country is very large, and in view of the fact that the number of children to be accommodated in the proposed institute is very small, may I know whether more such schools will be opened in the country?

Dr. K. L. Shrimali: If the hon. Member is thinking of all kinds of handicapped children, I may say that the Government have taken up various programmes to set up schools. One centre is going to be set up at Dehra Dun. It is also proposed to set up a centre for deaf children. This is for orthopaedically handicapped children, and the proposal is to start a model school so that other States could also open similar schools. It is not possible for the Central Government to take up the whole responsibility.

प्रादेशिक परिषद् के कर्मचारी

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*७८७ { श्री रामेश्वर टांटिया :
{ श्री म० ला० द्विवेदी :

क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या कारण है कि प्रादेशिक परिषदों के कार्यालयों में नियुक्त किये गये कर्मचारियों को सरकारी कर्मचारी नहीं समझा जाता ;

(ख) क्या यह सच है कि परिषदों की नौकरी को लोग अच्छा नहीं समझते क्योंकि सरकारी सेवा में अधिक अच्छी सुविधायें मिलती है, और इसलिये परिषदों को योग्य व्यक्तियों की सेवायें नहीं मिलतीं ; और

(ग) सरकार स्थिति को सुधारने के लिये क्या कार्यवाही कर रही है ?

गृह-कार्य मंत्री (पंडित गो० ब० पन्त) : (क) टैरीटोरियल कौंसिलें, टैरीटोरियल कौंसिल्ज एक्ट, १९५६ की धारा २१ के मातहत कारपोरेट बाडीज मानी गई है और इसलिये उनका अपना अलग स्टैटस है ।

(ख) सरकार को इसकी जानकारी नहीं है लेकिन आम तौर से लोग सीधे सरकारी नौकरियों में ही आना पसन्द करते है ।

(ग) अगर काबिल लोगों के मिलने में दिक्कत हुई तो सरकार मदद करेगी ।

I shall read it in English also.

(a) Under Section 21 of the Territorial Council Act, 1956 the Territorial Councils are corporate bodies and as such have a distinct status of their own.

(b) Government has no such information, but generally people prefer direct employment under the Government.

(c) Government would like to help in finding suitable persons in cases of difficulty.

WRITTEN ANSWERS TO QUESTIONS

Aid under Colombo Plan

*788. **Shri Damani:** Will the Minister of **Finance** be pleased to lay a statement showing the aid received by India under the Colombo Plan during the year 1958 so far?

The Minister of Revenue and Civil Expenditure (Dr. B. Gopala Reddi): A statement showing the aid authorised to India under the Colombo Plan during the year 1958 is laid on the Table of the Lok Sabha. [*See* Appendix III, annexure No. 92.]

Hiring of Equipments for Rourkela Steel Plant

*789. { **Shri Panigrahi:**
{ **Shri Morarka:**

Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) the total amount that has been paid so far towards the hiring of equipments from West Germany for the purposes of civil engineering works in connection with steel re-rolling mills at Rourkela; and

(b) how much of this amount relates to the periods of idleness and how much of this relates for the equipment in operation?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) and (b). The hire charges payable on plant and equipment used for the civil engineering work in the rolling mills at Rourkela is 3·25 per cent per month for periods of operation and 1·7 per cent. per month for periods of idleness The contractors have billed for the hire charges for plant and machinery for the period ending 30th September 1958, and the bills are under scrutiny. No amount has been actually paid.

Re-import and Re-export of Goods

*790. **Shri Ram Krishan:** Will the Minister of **Finance** be pleased to state:

(a) whether Government have decided to enlarge the facilities for duty-free re-import of manufactured goods or parts thereof of Indian origin, for repairs and re-export; and

(b) if so, the nature of the facilities provided?

The Minister of Revenue and Civil Expenditure (Dr. B. Gopala Reddi): (a) Yes, Sir.

(b) The required information is contained in the notification of the Government of India, G. S. R. No. 681, dated 9-8-1958, a copy of which is laid on the table of the House. [*See* Appendix III, annexure No. 93]

Life Insurance Corporation

*791. **Shri Bimal Ghose:** Will the Minister of **Finance** be pleased to state:

(a) whether the Life Insurance Corporation has effected integration of old and new policies in every zone;

(b) if not, whether it is the intention of the Corporation to effect such integration; and

(c) if so, by what time?

The Minister of Revenue and Civil Expenditure (Dr. B. Gopala Reddi): (a) to (c) The Life Insurance Corporation intends to effect integration of old and new policies in stages and a beginning in that direction has already been made The work is expected to be completed by about 31st August, 1961.

State Bank of India

*792. **Shri I. Eacharan:** Will the Minister of **Finance** be pleased to refer to the reply given to Starred Question No 2217 on the 16th May, 1956 and state:

(a) whether it is a fact that the State Bank of India has since introduced cheque system for savings banks accounts at certain places; and

(b) whether it is proposed to extend the cheque system to all branches of the State Bank?

The Minister of Revenue and Civil Expenditure (Dr. B. Gopala Reddi): (a) Yes

(b) The question of extending the facility of withdrawals of deposits from savings bank accounts by means of cheques to other important centres is under the consideration of the State Bank of India.

जंडौर छावनी

*७६३. { श्री भक्त दर्शन :
{ श्री अचल प्रभाकर :

क्या प्रतिरक्षा मंत्री २५ मार्च, १९५८ के तारांकित प्रश्न संख्या ११८८ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि जंडौर छावनी के भविष्य के सम्बन्ध में इस बीच क्या निर्णय किया गया है ?

प्रतिरक्षा उपमंत्री (श्री रघुरामैया) : स्थिति पर दुबारा विचार किया गया है और फैसला किया गया है कि जंडौर छावनी को खत्म न किया जाय ।

Purchase of Rolls from Belgium

*794. Shri Morarka: Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) whether it is a fact that some rolls have been purchased for the rolling mills at Rourkela Steel Plant from Belgium;

(b) if so, the number of rolls purchased and the price paid for each;

(c) the reasons for purchasing rolls from Belgium when the entire rolling mill is bought from Germany; and

(d) the method by which this purchase was made, i.e. whether by tender system or otherwise?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) Orders for some rolls have been placed on two Belgium roll-manufacturing concerns.

(b) Seven pairs of rolls have been ordered for, one pair for $ 25,179, another pair for $ 15,666.40, two pairs at the rate of $ 27,720 per pair and three pairs at the rate of £ 5,595 per pair.

(c) The prices quoted by the Belgian firms were found to be lower than those of the German suppliers of Rolling Mills.

(d) By tender system.

General Assembly of Interpol

*795. Shri Rami Reddy: Will the Minister of Home Affairs be pleased to state:

(a) whether India participated in the General Assembly of Interpol which met in London in September, 1958;

(b) the subject discussed; and

(c) the contribution made by India to the discussions and decisions of the meeting?

The Minister of Home Affairs (Pandit G. B. Pant): (a) Yes.

(b) (1) Illicit gold traffic.

(2) Illicit narcotics traffic.

(3) Women Police.

(4) Use of television by crime police.

(5) International catalogue of articles for identification.

(6) Counterfeiting of artistic and industrial objects.

(7) Finger Print classification.

(8) Radio-communications.

(c) No decisions were taken at the Conference but there was a general discussion and exchange of views about methods of work.

नेपाल के हवाई अड्डों का सर्वेक्षण

*७९६. श्री विभूति मिश्र : क्या वित्त मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि नेपाल सरकार ने भारत से प्रार्थना की है कि वह उनके हवाई अड्डों का सर्वेक्षण करे; और

(ख) यदि हां, तो इस विषय में क्या निर्णय किया गया है ?

वित्त उपमंत्री (श्री ब० रा० भगत) : (क) और (ख). जी नहीं । नैपाल सरकार ने भारत सरकार से प्रार्थना की है कि वह नैपाल में और भी हवाई अड्डे बनाने के लिये दो स्थानों का सर्वेक्षण करे और यह प्रार्थना स्वीकार करने का निश्चय कर लिया गया है ।

Drilling Operations in Sibsagar

*797. **Shrimati Mafida Ahmed:** Will the Minister of **Steel, Mines and Fuel** be pleased to refer to the reply given to Starred Question No. 200 on the 18th August, 1958 and state:

(a) whether the oil drilling operations at Sibsagar have since commenced; and

(b) if not, the reasons thereof?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) No, Sir.

(b) Mainly due to the difficulties and delays involved in transporting heavy machinery and equipment weighing nearly 2000 tons over long distances and lack of suitable roads etc.

Tribal Welfare

*798. **Shri E. Madhusudan Rao:** Will the Minister of **Home Affairs** be pleased to state when the report of the three-man committee appointed by the Central Advisory Board for Tribal Welfare to suggest ways and means to minimise 'nomadism' among certain tribals, is expected to be ready?

The Deputy Minister of Home Affairs (Shrimati Alva): Their report is expected to be ready in about three months time.

Librarians

*799. **Shri Jhulan Sinha:** Will the Minister of **Education** be pleased to refer to the reply given to Unstarred Question No. 2099 on the 20th December, 1957 and state whether the report submitted by the Librarians who visited America has been considered by Government and any action taken thereon?

The Minister of Education (Dr. K. L. Shrimali): A statement is laid on the Table. [*See* Appendix III, annexure No. 94].

Succession to Baudh

*800. **Shri P. K. Deo:**
Shri B. C. Prodhan:
Shri P. G. Deb:

Will the Minister of **Home Affairs** be pleased to refer to the reply given to Unstarred Question No. 1637 on the 11th September, 1958, and state:

(a) who had been recommended by the District Judge Ganjam-Nayagarh to be the successor to the late Raja of Baudh and who has been recognised as ruler of Baudh;

(b) if nobody was recognised, whether the Government are going to follow the doctrine of lapse in such cases; and

(c) how far the present policy of the Government is compatible with the press statement of the Secretary, Ministry of States, on the 28th of March, 1948 that it was the intention of Government not to exterminate the princes and not to lapse the title, should any of them die childless?

The Minister of Home Affairs (Pandit G. B. Pant): (a) The District Judge, Ganjam-Nayagarh, reported that in his view of the rival claimants Shri Girish Chandra Ray *alias* Girish Chandra Dev was the person best entitled to succession to the *gaddi* of Baudh; the President, however, has not recognised any person as successor to the late Raja of Baudh.

(b) Article 366(22) of the Constitution lays down that the person for the time being recognised by the President as successor to the ruler will be regarded as the ruler in relation to an Indian State. The President, however, is under no obligation to recognise a successor, in every case of the

demise of a ruler. Each case is considered on its merits before decisions are taken.

(c) Government are not aware of any official statement issued by the Secretary, Ministry of States on 28th March, 1948.

Central Advisory Board for Tribal Welfare

*801. Shri A. K. Gopalan:
Shri Kunhan:
Shri Narayanankutty Menon:
Shri E. Madhusudan Rao:

Will the Minister of **Home Affairs** be pleased to state:

(a) whether the Central Advisory Board for Tribal Welfare which met on the 28th September, 1958 recommended a ban on eviction of tribals from land owned or cultivated by them; and

(b) if so, the steps Government propose to take to implement the recommendation of the Board?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) Yes, Sir.

(b) The recommendation of the Central Advisory Board for Tribal Welfare has been forwarded to all the State Governments/Union Administrations for appropriate action.

Tripura Council

***802. Shri Dasaratha Deb**: Will the Minister of **Home Affairs** be pleased to state:

(a) whether the Territorial Council has approached the Administration of Tripura for allotment of better accommodation; and

(b) if so, the steps taken in this regard?

The Minister of Home Affairs (Pandit G. B. Pant): (a) Yes.

(b) Certain proposals are under consideration of the Administration in consultation with the Council.

Smuggling of Wheat and Rice

***803. Shri Daljit Singh**: Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that the Chief Commissioner Delhi delegated powers to officers of the rank of Inspectors and above of the Terminal Tax Department of the Corporation as well as the Directorate of Food and Civil Supplies to stop and search vehicles suspected of smuggling wheat and rice; and

(b) if so, the results achieved on this account?

The Minister of Home Affairs (Pandit G. B. Pant): (a) Yes.

(b) As a result the smuggling of controlled commodities to the neighbouring States where the prices of such commodities are higher has been effectively checked.

Development Works in Delhi Municipal Corporation Areas

*804. Shri Vajpayee:
Shri U. L. Patil:

Will the Minister of **Home Affairs** be pleased to state:

(a) whether the Delhi Municipal Corporation has, by a resolution, desired that it might be associated with the development works that are being carried out by the Central Government in the Corporation areas; and

(b) if so, the Government's plans in this regard?

The Minister of Home Affairs (Pandit G. B. Pant): (a) and (b). No. The Corporation however passed a Resolution on August 4, 1958, which is given in Appendix 'A'. [*See* Appendix III, annexure No. 95.] It has been referred to the Delhi Administration and is under its consideration.

Bonus to Life Insurance Corporation Employees

*805. Shri Tangamani:
Shri S. M. Banerjee:
Shri Ram Krishan:
Shri Vajpayee:
Kumari Vedakumari:

Will the Minister of Finance be pleased to state.

(a) whether the All India Insurance Employees Association have demanded the bonus to employees of Life Insurance Corporation for the year 1957;

(b) if so, what is the quantum demanded; and

(c) the steps taken by Government for meeting the demand?

The Minister of Revenue and Civil Expenditure (Dr. B. Gopala Reddi):

(a) Yes, Sir

(b) Equal to two month's salary

(c) After due consideration, it has been decided that the Corporation may, at its discretion, grant a bonus to its ministerial employees provided.

(i) that the bonus is not profit-sharing; and

(ii) due regard is paid to the previsions of the Insurance Act, 1938, in the matter of limitation of expenses

Manipur (Village Authorities in Hill Areas) Act, 1956

*806. Shri L. Achaw Singh: Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that the tribal people of Manipur have sent in representations to the Government for repeal of the Manipur (Village Authorities in Hill Areas) Act, 1956; and

(b) if so, what is the action taken thereon?

The Minister of Home Affairs (Pandit G. B. Pant): (a) Yes, such representations have been received from some of the tribal people.

(b) The representations are under consideration.

Judges for High Court of Kerala

*808. Shri Easwara Iyer: Will the Minister of Home Affairs be pleased to state:

(a) whether the Central Government is contemplating the appointment of additional Judges for the High Court of Kerala; and

(b) if so, whether recommendations have been received from the State Government and the High Court?

The Minister of Home Affairs (Pandit G B. Pant): (a) and (b) Proposals have been received from the State Government for the appointment of two Additional Judges to the Kerala High Court and they are under consideration of the Central Government

Floods and Cyclones in Tripura

*809. Shri Bangshi Thakur: Will the Minister of Home Affairs be pleased to state.

(a) names of the places in Tripura which have been affected by the recent flood and cyclone,

(b) number of persons affected,

(c) what is the total loss in cash and kind,

(d) number of persons and cattle-heads who have lost their lives and how many persons have become homeless,

(e) whether it is a fact that in some areas paddies have been completely silted up, and

(f) what are relief measures which have been adopted so far by Government?

The Minister of Home Affairs (Pandit G. B. Pant): (a) to (e). A statement is laid on the Table of the House. [*See* Appendix III, annexure No. 96.]

(f) The following relief measures have been taken by the Administration:

1. (i) Sungrass and bamboos issued free of royalty for purposes of shelter and house-building.

   (ii) Cash grants amounting to Rs. 4,000 distributed for purposes of food.

   (iii) Existing dispensaries re-inforced and medicines supplied free.

   (iv) Fair price shops opened in badly affected areas.

2. The following amounts have been sanctioned by the Government of India:

   (i) Rs. 50,000, for gratuitous relief.

   (ii) Rs. 3 lakhs, for test relief works.

   (iii) Rs. 2 lakhs, for grant of Taccavi loans to agriculturist sufferers.

3. The question of sanctioning a sum of Rs. 50,000 for house-building loans for the sufferers under the low-Income Group Housing Scheme is under consideration.

Kulti Works

*810. Shri Nagi Reddy:
Shrimati Parvathi Krishnan:
Shrimati Renu Chakravartty:
Shri Muhammed Elias:

Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) whether it is a fact that the Indian Iron and Steel Company Ltd., have closed down blast furnace and coke oven batteries at Kulti;

(b) whether this was done with the prior approval of the Government;

(c) whether any notice was given to the workers about the closure; and

(d) the effect of such closures in respect of (i) production and (ii) employment?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) Yes, Sir.

(b) The closure was effected with the knowledge of Government.

(c) Yes.

(d) (i) There will be a loss in production of 10,000 tons of pig iron per month but this will be more than compensated by the production of the additional blast furnaces of the Company

(ii) Most of the workers will be transferred to Burnpur with continuity of service. Full retrenchment benefits will be available for workers who voluntarily resign or who get employment in the Hindustan Steel Private Limited.

Pay Scales of Army Officers

*811. Shri Sugandhi:
Shri U. C. Patnaik:

Will the Minister of **Defence** be pleased to state:

(a) whether Government is formulating any scheme to improve the pay scales and service conditions of the Junior Commissioned Officers, Non-Commissioned Officers and Other Ranks; and

(b) if so, when it is likely to be finalised?

The Deputy Minister of Defence (Shri Raghuramaiah): (a) No, Sir.

(b) Does not arise.

Pre-Examination Coaching for Scheduled Castes and Scheduled Tribes

*812. **Shri B. C. Mullick:** Will the Minister of **Home Affairs** be pleased to state:

(a) the progress so far achieved regarding the starting of pre-examination coaching classes at Allahabad University for Scheduled Caste and Scheduled Tribe candidates who appear for I.A.S., I.P.S. and other Central Services examinations;

(b) whether the Universities of Agra and Calcutta have already submitted schemes to take up this work; and

(c) if so, the nature of such schemes?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) The University of Allahabad have sent up a revised scheme to the Government which is being examined The University have no hostel accommodation to spare. An inquiry has accordingly been made if a suitable building would be available on rent. A reply on this point is awaited.

(b) No

(c) Does not arise.

राजभाषा

*८१३. **श्री जगदीश अवस्थी** : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि ·

(क) क्या राजभाषा आयोग के प्रतिवेदन पर विचार करने के लिये नियुक्त की गई समिति ने अपना काम समाप्त कर लिया है , और

(ख) यदि हां, तो इस समिति का प्रतिवेदन कब तक प्रकाशित किया जायेगा ?

गृह-कार्य मंत्री (पंडित गो० ब० पन्त) : (क) कमेटी ने हाल ही में अपनी रिपोर्ट पूरी कर ली है ।

(ख) उम्मीद है कि राष्ट्रपति की अनुमति से जल्दी ही यह पार्लियामेंट के सामने रख दी जायेगी ।

Western Higher Technological Institute

*814. **Shri Siddiah:** Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) what is the progress made in establishing the Western Higher Technological Institute at Bombay; and

(b) what is the nature of the assistance so far received from the U.N.E.S.C.O.?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr M. M. Das): (a) and (b) A statement is laid on the Table of the Lok Sabha [*See* Appendix III, annexure No. 97].

M.E.S Construction Committee

*815. **Shri D. C. Sharma:**
Sardar Iqbal Singh:

Will the Minister of **Defence** be pleased to refer to the reply given to Starred Question No 1182 on the 11th September, 1958 and state whether the report of the M E S Construction Committee has been examined and decisions taken?

The Deputy Minister of Defence (Shri Raghuramaiah): The report of the M E S Construction Committee is under examination.

Sanskrit Commission

*816. **Shri Subodh Hansda:**
Shri S. C. Samanta:
Shri Ram Krishan:
Shri Bhakt Darshan:
Shri Prakash Vir Shastri:

Will the Minister of **Education** be pleased to refer to the reply given to Unstarred Question No. 1859 on the 11th September, 1958 and state:

(a) whether recommendations made by the Sanskrit Commission have been examined;

(b) whether specific proposals have been formulated and decisions taken on those recommendations; and

(c) if so, the details thereof?

The Minister of Education (Dr. K. L. Shrimali): (a) Yes, Sir

(b) The recommendations have been referred to the State Governments/Administrations, Universities, etc concerned with them for their comments Specific proposals will be formulated and decisions taken as soon as the comments of all the State Governments/Administrations, Universities etc. have been received and considered

(c) Does not arise

Theft in Army Canteen, New Delhi

***817. Shri Sanganna:** Will the Minister of Defence be pleased to state

(a) whether it is a fact that liquor valued at Rs 11,000 has been stolen from the Army Canteen in South Block, New Delhi,

(b) whether any enquiry has been made into the theft, and

(c) if so, what action has been taken against the persons concerned?

The Deputy Minister of Defence (Shri Raghuramaiah): (a) A shortage of liquor stocks valued at about Rs 11,000 was detected at the monthly stock-taking on 28th September, 1958

(b) and (c) The matter has been reported to Police authorities and is under investigation by them Necessary action will be taken on receipt of their report

Lalit Kala Akademi Seminar and Exhibition of Paintings

***818. Pandit D. N Tiwary:** Will the Minister of Scientific Research and Cultural Affairs be pleased to state

(a) whether there is a proposal to organise a seminar by the Lalit Kala Akademi in the near future;

(b) if so, the details thereof;

(c) whether there is a proposal to send a representative exhibition of Indian paintings to foreign countries; and

(d) if so, to which foreign countries?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) Yes, Sir The Lalit Kala Akademi is planning to organise a Seminar on Architecture in March, 1959

(b) The details are being worked out

(c) and (d) Yes, Sir The Government of India propose to send a representative exhibition of Indian art, including paintings to West Germany and it may also go to Switzerland

Production of Coal

***819** { **Shri T B Vittal Rao:**
Shri Bimal Ghose:
Shri Morarka:

Will the Minister of Steel, Mines and Fuel be pleased to lay a statement on the Table showing

(a) the production of coal during the year upto the end of October, 1958 in the public and private sectors, separately,

(b) whether the target of 15 and 45 million tons of coal production by the public and private sectors respectively is likely to be achieved by the end of the Second Five Year Plan period,

(c) if not, the reasons therefor, and

(d) what is the likely estimated shortfall in production?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a)

	(Million T ns)
N C D C Collieries	2 99
Singareni Collieries	1 74
Private Sector	32 73

(b) The targets of production both in the public and private sectors are likely to be achieved

(c) and (d) Do not arise

Steel Production in Ordnance Factories

*820. **Shri S. M. Banerjee:** Will the Minister of Defence be pleased to state:

(a) whether any steps have been taken to increase steel production in ordnance factories;

(b) the production of steel in 1957-58 in various ordnance factories;

(c) whether production was more than 1956-57; and

(d) if so, the extent of increase?

The Deputy Minister of Defence (Shri Raghuramaiah): (a) Yes, Sir.

(b) to (d). Production in 1956-57 was about 30,000 tons. There was a slight increase in 1957-58 by about 4 per cent.

Teachers for Technical Institutions

*821. { **Shri R. C. Majhi:**
Shri Subodh Hansda:

Will the Minister of Scientific Research and Cultural Affairs be pleased to refer to the reply given to Starred Question No. 676 on the 3rd September, 1958 and state:

(a) what steps have so far been taken to implement the scheme for training of teachers for technical institutions; and

(b) names of the technical institutions where these teachers will be trained?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): (a) and (b). A statement is laid on the Table of the Lok Sabha.

STATEMENT

(a) Arrangements are being completed for the implementation of the scheme.

The actual requirements of State Governments, Universities and private Institutions in respect of training places have been ascertained and selection of suitable candidates will be made shortly.

(b) The following five centres have been selected for the training of graduate teachers.

1. Indian Institute of Technology, Kharagpur.
2. Bengal Engineering College, Sibpur, Howrah.
3. College of Engineering, Poona.
4. Roorkee University, Roorkee.
5. College of Engineering, Guindy, Madras.

Selection of centres for the training of Diploma-teachers is under consideration.

Joint Financial Corporation for Assam and Tripura

*822. **Shri Ram Krishan:** Will the Minister of Finance be pleased to state:

(a) whether the scheme for setting up a joint financial corporation for Assam and Tripura has been finalised; and

(b) if so, the main features of the scheme?

The Minister of Revenue and Civil Expenditure (Dr. B. Gopala Reddy): (a) No, Sir.

(b) Does not arise.

Foreign Carpenters

*823. **Shri Morarka:** Will the Minister of Steel, Mines and Fuel be pleased to refer to the reply given to Unstarred Question No. 1197, on the 30th August, 1958 and state:

(a) the total cost incurred on the foreign carpenters so far;

(b) whether these carpenters are still serving; and

(c) whether their salary is paid by the Hindustan Steel (Private) Limited

or by the contractor and the head under which this provision was made in the beginning?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) Rs. 8.46 lacs.

(b) Only five Foremen and one specialist carpenter are now serving.

(c) The salary is paid by Hindustan Steel (Private) Limited. This payment was not envisaged when the main contract was placed.

अनुसूचित जातियों तथा अनुसूचित आदिम जातियों को मैट्रिक के बाद की छात्रवृत्तियां

***८२४. श्री विभूति मिश्र :** क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि

(क) १९५७–५८ में अनुसूचित जातियों तथा अनुसूचित आदिम-जातियों के विद्यार्थियों को जो मैट्रिक के बाद की छात्रवृत्तियां दी जाती हैं उनके लिए 'साधनों की जांच' न करके गुणों को आधार मानने से क्या विभिन्न आय के वर्गों में इस प्रकार की छात्रवृत्तियां पाने वालों की संख्या बढ़ी है या घटी है ; और

(ख) यदि हां, तो क्या सरकार कम आय वाले वर्गों के विद्यार्थियों को छात्र-वृत्तियां दिलाने के लिये कोई कार्य नहीं कर रही है ?

शिक्षा मंत्री (डा० का० ला० श्रीमाली) : (क) और (ख). विवरण सभा-पटल पर रख दिया गया है ।

विवरण

(क) और (ख). अनुसूचित जातियों और अनुसूचित कबीलों के ऐसे सभी उम्मीद-वारों को १९५८-५९ में छात्रवृत्तियां दी जा रही हैं जिनको ये वृत्तियां मिल सकती हैं, और जो अपनी अन्तिम सालाना परीक्षा पास कर अगली कक्षा में दाखिल हो गये हैं । इस सम्बन्ध में पिछली परीक्षा में उनको जितने नम्बर मिले हैं उस पर विचार नहीं किया गया है

इसलिये १९५८-५९ की छात्रवृत्ति देने के लिए अनुसूचित जातियों और अनुसूचित कबीलों के प्रार्थियों को उनकी योग्यता के आधार पर चुनने का प्रश्न ही नहीं उठता ।

अनुसूचित जातियों और अनुसूचित कबीलों के उम्मीदवारों के लिये "साधनों की जांच" करने की प्रथा १९५७-५८ में समाप्त कर दी गयी है । इसलिए इन दो वर्गों के छात्रों से आय का प्रमाण-पत्र लेना बन्द कर दिया गया है । अतः छात्रवृत्तियां पाने वालों के आय-वर्गों के बारे में कोई विश्वस्त सूचना नहीं मिल सकी है ।

'Eve Teasing' in Delhi

***825. Shri Vidya Charan Shukla:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that Government are examining a proposal from Delhi Police that cases of 'eve teasing' should be tried "in camera"; and

(b) if so, whether a decision has been taken in the matter?

The Minister of Home Affairs (Pandit G. B. Pant): (a) and (b). A proposal of this nature was received. The police has been advised to approach the court which has discretion in such matters to hold the trial in camera in suitable cases.

Delhi Municipal Corporation Act

***826. Shri Vajpayee:**
Shri U. L. Patil:

Will the Minister of **Home Affairs** be pleased to state:

(a) whether the Government have received a copy of a resolution adopted by the Delhi Municipal Corporation requesting that the Delhi Municipal Corporation Act be amended so as to include New Delhi in the Corporation area; and

(b) if so, the action taken thereon?

The Minister of Home Affairs (Pandit G. B. Pant): (a) Yes.

(b) Since the question of the jurisdiction of the Corporation was discussed at length in Parliament when the Delhi Municipal Corporation Bill was under consideration, Government did not consider it necessary to take any action on the resolution.

Primary School Teachers

*827. **Shri Jhulan Sinha**: Will the Minister of Education be pleased to refer to the reply given to Unstarred Question No. 340 on the 18th February, 1958 and state:

(a) whether the schemes for improvement of the salaries of Primary School Teachers, formulated by the States as part of their educational development programmes, have been received by the Central Government; and

(b) the action taken thereon?

The Minister of Education (Dr. K. L. Shrimali): (a) and (b). A statement is laid on the Table of the Lok Sabha.

STATEMENT

(a) The Governments of Assam, Bombay, Bihar, Kerala, Mysore, Madras, Madhya Pradesh, Orissa, Punjab, Uttar Pradesh and West Bengal have included the scheme for improvement of the salaries of primary school teachers in their development programmes for the year 1958-59.

(b) Appropriate Central assistance is being given to the States implementing the programme.

Indian Princes Abroad

*828 { **Shri H. N. Mukerjee:** **Shri Muhammed Elias:**

Will the Minister of Home Affairs be pleased to state:

(a) whether his attention has been drawn to recent Press reports about the squandering abroad of Indian money by certain Indian princes;

(b) whether such squandering does not violate the restriction imposed in the national interest in regard to our foreign exchange resources; and

(c) if so, what steps are being taken in the matter?

The Minister of Home Affairs (Pandit G. B. Pant): (a) Yes.

(b) and (c). No foreign exchange is released to Rulers except for good reasons such as medical treatment abroad of the Rulers or for the education of their children. These applications are scrutinised strictly and only the minimum amounts required are released.

Technical and Administrative Personnel

*829 { ***Shri A. K. Gopalan:*** **Shri Kunhan:**

Will the Minister of Home Affairs be pleased to state:

(a) whether a study of the requirements of technical and administrative personnel in all the States is being made;

(b) if so, whether the study has been completed; and

(c) the findings of the study?

The Minister of Home Affairs (Pandit G. B. Pant): (a) All State Governments have set up study groups to assess requirements for different categories of technical personnel. Study of the requirements of administrative persons has also been undertaken in some States.

(b) Some studies have been completed, while others are in progress.

(c) Such of the studies as are available in printed or cyclostyled form are being placed in the Parliament Library.

Reservation for Scheduled Castes and Scheduled Tribes in Local Bodies

*830. **Shri Siddiah**: Will the Minister of Home Affairs be pleased to state what action Government have taken or propose to take to secure re-

servation in all the States and Union Territories for Scheduled Castes and Scheduled Tribes in all the local bodies including gram panchayats, in proportion to their population?

The Deputy Minister of Home Affairs (Shrimati Alva): The Commissioner for Scheduled Castes and Scheduled Tribes in his Annual Report for the year 1955 had made an exactly similar recommendation. This recommendation along with his other recommendations was forwarded to the State Governments and Union Territories for necessary action. A statement detailing the action taken or proposed to be taken by the State Governments and Union Territories on these recommendations was laid on the Table of the House on the 22nd August, 1957. The action taken on this particular recommendation appears at Sl. No. 189 of that Statement.

Durgapur Steel Plant

***831. Shri E. Madhusudan Rao:** Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) whether it is a fact that the first blast furnace for Durgapur Steel Plant is still to be lifted in various stages after arrival at Calcutta port; and

(b) if so, the reasons for the delay?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) No, Sir.

(a) Does not arise.

Co-operative Movement in Himachal Pradesh

***832. { Shri D. C. Sharma: Shri N. R. Munisamy: Shri Bhakt Darshan:**

Will the Minister of Home Affairs be pleased to refer to the reply given to Starred Question No. 709 on the 30th August, 1958 and state:

(a) whether the last Committee appointed to examine the working of the Co-operative Movement in Himachal Pradesh has since submitted its report;

(b) if so, what action is being taken on the report;

(c) whether a copy of the report together with the minutes of dissent, if any, will be laid on the Table; and

(d) the total amount spent on the committee appointed to report on the working of the Himachal Pradesh Co-operative Movernment?

The Minister of Home Affairs (Pandit G. B. Pant): (a) The Committee has submitted its report.

(b) The recommendations made by the Committee are under examination.

(c) A copy of the report will be placed in the Library after decisions have been taken on the recommendations made by the Committee.

(d) The total expenditure incurred on the Committee is Rs. 49,675.24 nP.

Singareni Collieries

***833. Shri T. B. Vittal Rao:** Will the Minister of Steel, Mines and Fuel be pleased to refer to the reply given to Starred Question No. 744 on the 30th August, 1958 and state:

(a) whether the Singareni Collieries Company have since furnished details of cost of the various items of machinery included in the stowing plant proposed to be purchased and installed by them;

(b) if so, whether the amount of Rs. 40 lakhs has since been sanctioned; and

(c) if not, the reasons therefor?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) Yes, Sir.

(b) and (c). The Coal Board has provisionally sanctioned a loan of Rs. 37 lakhs, subject to a guarantee by the Government of Andhra Pradesh regarding repayment of the loan by

the colliery company in accordance with the terms and conditions of the agreement governing the grant of loans. The Board is now awaiting the State Government's reply on the question of guarantee.

Oil Drilling by Stanvac

*834. **Shri Ram Krishan:** Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) whether the drilling work at Chakdaha and Ghatal under the Indo-Stanvac Petroleum Project has started; and

(b) if not, the reasons therefor?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) and (b). No, Sir.

The drilling at these sites is included in their 1959 programme.

Small Blast Furnaces

*835. Shri Morarka:
Shri Goray:
Shri U. C. Patnaik:
Shri Ram Krishan:
Shri Sarju Pandey:
Shri H. N. Mukerjee:
Shri Muhammed Elias:
Shri Prabhat Kar:

Will the Minister of Steel, Mines and Fuel be pleased to refer to the reply given to Starred Question No. 1553 on the 24th September, 1958 and state:

(a) whether any final decision has been taken about the possibility of setting up of small blast furnaces for the production of pig iron;

(b) if so, the number of such furnaces and the places where they would be put up;

(c) the likely cost of each; and

(d) whether there would be any foreign exchange involved?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) to (d). No Sir. It is proposed to send a small team of experts to China, early in 1959 to study the working and the economics of the small blast furnaces in that country.

Andaman and Nicobar Islands

*836. **Pandit D. N. Tiwary:** Will the Minister of Home Affairs be pleased to state:

(a) whether any publicity is given for settling families in Andaman and Nicobar Islands;

(b) if so, its effect during the last three years; and

(c) number of families which went to settle there in 1957 and 1958?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) No publicity through Press Note or Newspapers is given;

(b) Does not arise;

(c) 238 and 200 respectively.

Purchase of Coal Mining Machinery

*837. Shri Vajpayee:
Shri U. L. Patil:
Shri Raghunath Singh:
Shri E. Madhusudan Rao:

Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) whether the National Coal Development Corporation is making arrangements to purchase about five million dollars worth of coal mining machinery from the United States of America;

(b) whether it is a fact that the equipment sought to be purchased is considered outmoded in America;

(c) if so, the reasons which have made the Corporation to go in for this deal; and

(d) the progress made so far in finalising the deal?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) to (d). The Corporation has recently put out three tender enquiries on a global basis for the purchase of coal mining

machinery and equipment of an estimated total value of fifteen million dollars. It is too soon to say how much of this equipment will be purchased in the United States of America. In addition, the Corporation is considering whether a few items of heavy earth moving machinery, spares and workshop equipment can be purchased under the U.S. Defence Excess Property Scheme. The book value of these items comes to a 4 million dollars. The sale will be on a Govt. to Govt. basis and the items will be charged at 5 per cent. of their book value. Some of these items may have gone out of manufacture in the U.S.A. but could nevertheless be regarded as serviceable in Indian conditions. The Corporation is deputing one of its technical officers to the U.S.A. for a month to inspect the equipment, make a selection of the items which are suitable in every respect for use in Indian conditions and arrange for their purchase through the Indian Supply Mission, Washington. It will be seen, therefore, that the purchases are conditional on the equipment being found suitable after actual inspection.

Contest of Civic Elections by Government Servants

*838. { Shri S. M. Banerjee:
Shri Tangamani:

Will the Minister of Home Affairs be pleased to state:

(a) whether Central Government employees can contest civic election after obtaining permission from Government; and

(b) if so, what are the specific conditions on which permission is granted?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) and (b). Yes. But Government's present policy is not to allow Government servants to contest elections to local bodies.

Indo-Pakistan Banking Agreement

1198. **Shri D. C. Sharma:** Will the Minister of Finance be pleased to state:

(a) the value of assets not realised by the Banking Companies in India under the Indo-Pakistan Banking Agreement 1949, during 1958 (upto the 30th November, 1958); and

(b) the value of assets not realised so far?

The Minister of Finance (Shri Morarji Desai): (a) According to the information which is available, a sum of Rs. 3·6 lakhs was received by Indian banks during the first ten months of the calendar year 1958, against their advances in West Pakistan in respect of which the assistance of the implementation committee on the Banking Agreement was sought.

(b) the total value of the assets of all the Indian banks in West Pakistan not realised so far has been estimated at about Rs. 5 crores.

Corruption among Government Servants

1199. { **Shri D. C. Sharma:**
Sardar Iqbal Singh:

Will the Minister of Home Affairs be pleased to state:

(a) how many corruption cases were registered in 1957-58 and 1958-59 (upto the 30th November, 1958) against Government officials under the Delhi Administration;

(b) the machinery set up to deal with such cases;

(c) the number of officials convicted; and

(d) the number of cases still under investigation?

The Minister of Home Affairs (Pandit G. B. Pant): (a) 1957-58—28 1958-59 (till 30th November, 1958) 84.

(b) An Anti-Corruption Unit has been set up which functions under the direction of the Chief Secretary who is also the Vigilance Officer.

(c) 7 were convicted by Courts

while 60 were punished departmentally.

(d) 35.

Untouchability in Punjab

1200. **Shri D. C. Sharma:** Will the Minister of **Home Affairs** be pleased to state:

(a) the amount allotted by the Central Government for propaganda for removal of untouchability in the Punjab State for 1958-59;

(b) whether the Punjab Government has submitted any schemes for the purpose; and

(c) if so, the nature of the schemes on which the amount is proposed to be spent?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) Rs. 62,000.

(b) Yes.

(c) The amount will be spent for propaganda purposes through slides, posters, cinema shows, dramas etc.

Reorganisation of Secondary Education

1201. **Shri D. C. Sharma:**
Shri Ram Krishan:
Shri Daljit Singh:

Will the Minister of **Education** be pleased to state:

(a) the number of schemes that have been submitted by the Punjab Government regarding reorganisation of secondary education during 1958-59;

(b) whether any of these schemes have been sanctioned; and

(c) if so, what amount has been given or is proposed to be given to Punjab Government for this purpose?

The Minister of Education (Dr. K L. Shrimali): (a) Eleven.

(b) According to latest procedure, financial assistance is given under "ways and means" account.

(c) A sum of Rs. 16·05 lakhs is proposed to be given as Central assistance.

Foreign Students in India

1202. **Shri D. C. Sharma:** Will the Minister of **Education** be pleased to refer to the reply given to Unstarred Question No. 1657 on the 8th September, 1958 and state how many of the foreign students studying in India arrived during 1955--56, 1956-57 and 1957-58?

The Minister of Education (Dr. K. L. Shrimali): Information is being collected and will be laid on the Table of the Lok Sabha in due course.

Nuclear Science and Engineering

1203. **Shri D. C. Sharma:** Will the Minister of **Scientific Research and Cultural Affairs** be pleased to refer to the reply given to Unstarred Question No. 469 on the 18th August, 1958 and state the progress made in the introduction of courses in nuclear science and nuclear engineering in the Universities?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M M Das): An expert Committee of scientists and engineers is examining the scheme of Nuclear Science and Nuclear Engineering courses, submitted by Roorkee University. A similar scheme submitted by Andhra University is also under consideration.

Government Aided Private Schools in Delhi

1204. **Shri D. C. Sharma:** Will the Minister of **Education** be pleased to refer to the reply given to Unstarred Question No. 467 on the 18th August, 1958 and state:

(a) what further steps have been taken to provide permanent buildings for Government aided private schools in Delhi and New Delhi which are being run at present in tents or other temporary structures; and

(b) the amount, if any, sanctioned for this purpose?

The Minister of Education (Dr. K. L. Shrimali): (a) and (b). Primarily it is the responsibility of the managements of private schools to provide permanent buildings for the schools under their control. Government, however, help them in procuring sites, at concessional rates, for construction of building and provide financial assistance, in suitable cases, by giving them building grants to the extent of 2|3rd of the actual expenditure, subject to a maximum of Rs. 1 lakh A provision of Rs. 2 lakhs is made every year in this behalf, in the budget.

Shifting of Villages on Jamuna Banks

1205. { **Shri D. C. Sharma:**
Shri Vajpayee:

Will the Minister of Home Affairs be pleased to refer to the reply given to Unstarred Question No. 1150 on the 30th August, 1958 and state the further progress made towards the shifting to higher level areas of 12 villages on the banks of the Jamuna which were exposed to annual floods?

The Minister of Home Affairs (Pandit G. B. Pant): The villagers have been given possession of the plots allotted at new sites except in one village. The development work in Dhaka Dhirpur village (in urban area) is in progress. Arrangements for grant of loans to the villagers concerned for construction of houses are being finalised.

Non-Government Aided Schools of Delhi

1206. { **Shri D. C. Sharma:**
Shri Ram Krishan:
Shri Bhakt Darshan:

Will the Minister of Education be pleased to refer to the reply given to Unstarred Question No. 897 on the 26th August, 1958 and state:

(a) the action taken on the report of the Committee appointed to report on the working of the non-Government aided schools of Delhi;

(b) whether all the recommendations of the Committee have been accepted by Government;

(c) if not, the nature of recommendations turned down; and

(d) reasons therefor?

The Minister of Education (Dr. K. L. Shrimali): (a) to (d). The report of the Committee is still under detailed examination.

Foreign Exchange Regulation Act

1207. **Shri Ram Krishan:** Will the Minister of Finance be pleased to state:

(a) the total number of cases under the Foreign Exchange Regulation Act adjudicated during 1958 so far; and

(b) total amount imposed as fine?

The Minister of Finance (Shri Morarji Desai): (a) 103 cases.

(b) Rs. 8,03,062.

Bridges over River Chandra

1208. **Shri Hem Raj:** Will the Minister of Home Affairs be pleased to state:

(a) whether the Central Government has received any request from the Punjab Government for the construction of bridges over river Chandra at Jobrang and Nalda; and

(b) if so, the action taken thereon and the amount sanctioned therefor?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) Yes, Sir.

(b) The proposal of the State Government was accepted and a sum of Rs. 1.88 lakhs has been sanctioned for the purpose.

Lahaul and Spiti

1209. Shri Hem Raj: Will the Minister of **Home Affairs** be pleased to state:

(a) the total amount of grants sanctioned so far for the development of the Lahaul and Spiti tribal areas under the Second Five Year Plan; and

(b) its break-up for Lahaul and Spiti separately?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) A statement giving the required information is placed on the Table of the House. *[See Appendix III, annexure No. 98].*

(b) Information regarding the break-up of the sanctioned amounts for Lahaul and Spiti areas separately is being collected from the State Government and will be laid on the Table of the House as soon as received.

Oil Drilling School, Jawalamukhi

1210. Shri Hem Raj: Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) the qualifications laid down for admission to the drilling school proposed to be established at Jawalamukhi; and

(b) whether it is also proposed to make arrangements for the training of rig-men and top-men in this school?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) Graduates in Engineering or under-graduates with drilling experience who are serving as understudy drillers in the Oil and Natural Gas Commission. If suitable candidates are found from outside, their cases can also be considered.

(b) No, Sir.

Tobacco Cultivation in Bombay

1211. Shri Pangarkar: Will the Minister of **Finance** be pleased to state:

(a) the total acreage of land under tobacco cultivation in Bombay State during 1957-58; and

(b) the amount of arrears in excise duty on tobacco in Bombay during 1957-58?

The Minister of Finance (Shri Morarji Desai): (a) and (b).

Tobacco acreage	Arrears of duty Rs.
2,11,006.	24,23,195.

Pensions

1212. { **Shri H. N. Mukerjee:**
Shri Muhammed Elias:

Will the Minister of **Defence** be pleased to state:

(a) whether it is a fact that armed forces personnel are deprived of their pensions if after retirement they take part in political activity; and

(b) if so, the reasons therefor?

The Deputy Minister of Defence (Sardar Majithia): (a) and (b). The pension of a military pensioner is not forfeited on his becoming a member of a political party (provided that the party has not been declared illegal by the Government), speaking from its platform and criticising the policies of the Government. The pension is, however, liable to be forfeited if he is convicted by a court of law of a crime of a political nature, or is, on the recommendation of the local State Government|administration, adjudged by the competent authority such as an Area Commander, to be guilty of grave misconduct of a political nature such as fomenting communal trouble. The pension may, subsequently, be restored in deserving cases, either in full or in part, by the competent authority in consultation with the local Government|administration.

Educated Unemployment in Uttar Pradesh

1213. Shri Sarju Pandey: Will the Minister of **Education** be pleased to state:

(a) whether any grant has been given to the Government of Uttar Pradesh during 1957-58 for relieving educated unemployment in Uttar Pradesh;

(b) if so, what was the amount; and

(c) the total number of persons employed during 1957-58 in Uttar Pradesh under the above scheme?

The Minister of Education (Dr. K. L. Shrimali): (a) Yes, Sir.

(b) Central grants totalling Rs. 1,21,341 were sanctioned.

(c) No appointment under this scheme was made in 1957-58. The last year during which appointments were made under this scheme was 1955-56. In terms of the Scheme, Central assistance at the rate of 25 per cent. of the expenditure involved in continuing the services of the persons appointed in 1955-56 was payable to the State Governments in 1957-58 and that is why Central grants were sanctioned in 1957-58 even though no appointments were made during that year.

Orissa Tribals

1214. Shri P. G. Deb: Will the Minister of **Home Affairs** be pleased to state:

(a) the total amount allotted from the Central Tribal Welfare Scheme. Grant to the State of Orissa during the First Five Year Plan;

(b) what was the sub-division-wise actual expenditure incurred on different items for the purpose;

(c) whether the total grant was fully utilised by the State; and

(d) if not, reason therefor?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) Rs. 1,56,21,000.

(b) Figures of expenditure sub-division-wise are not available.

(c) Yes.

(d) Does not arise.

Scheduled Castes

1215. Shri Siddiah: Will the Minister of **Home Affairs** be pleased to refer to the reply given to the Unstarred Question No. 450 on the 18th August, 1958 and state:

(a) whether the information regarding the targets achieved in 1957-58 in each State and Union Territory under each of the Centrally sponsored schemes for ameliorating the condition of Schedule Castes is now available; and

(b) if so, whether it will be laid on the Table?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) and (b). A statement giving the required information is laid on the Table of the House. [*See* Appendix III, annexure No. 99]. Progress report from the Government of Mysore is still awaited.

Welfare Association for Ex-Servicemen

1216. Shri U. C. Patnaik: Will the Minister of **Defence** be pleased to state:

(a) what financial aid and other facilities are being given to:—

(i) Indian Soldiers', Sailors' and Airmen's Board;

(ii) All India Ex-Servicemen's Welfare Federation and Member Asociations of that Federation; and

(iii) All India Ex-Servicemen's Association; and

(b) how are the activities of these organizations co-ordinated?

The Deputy Minister of Defence (Sardar Majithia): (a) and (b). A statement is placed on the Table. [*See* Appendix III, annexure No. 100.]

Iron Rounds

1217. **Shri Liladhar Kotoki:** Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) whether it is a fact that the quota of iron rounds (iron road etc.) for Assam State has not been lifted by the handling agents since 1954;

(b) if so, the quantity lapsed thereby; and

(c) whether Government intends to restore the lapsed quota during the current year in view of acute difficulties experienced in the State?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) and (b) The information is not available as category-wise allotment of steel are being made only from 1-4-58 There are no handling Agents at present. The materials are lifted by the State Government direct. A quantity of 958 tons of bars and rods was allotted to Assam State during 1-4-58 to 31-12-58, against which 335 tons have been despatched upto August, 1958.

(c) No, Sir. The general decision to cancel all un-adjusted orders prior to 1-4-56, (which is applicable to all States) stands.

Sibsagar Monuments

1218. **Shrimati Mafida Ahmed:** Will the Minister of **Scientific Research and Cultural Affairs** be pleased to lay a statement showing:

(a) the amount spent for the maintenance of protected monuments of national importance in Sibsagar, Assam during the last five years; and

(b) whether there is any proposal to renovate any of these monuments in the near future?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a)

		Rs.
(a)	1954-55 . .	15,224·00
	1955-56 . .	21,224·00
	1956-57 . .	19,693·00
	1957-58 . .	7,389·44
	1958-59 (Upto October, 58) .	2,856·04

(b) No, Sir. The Department of Archaeology does not renovate the monuments, but looks after their maintenance and repairs.

Pension

1219. **Shri Karni Singhji:** Will the Minister of **Defence** be pleased to state:

(a) whether pension has been granted to all the employees of the erstwhile State Forces of Rajasthan in consequence of the integration of these Forces with the Indian Army; and

(b) if not, the steps taken to expedite the pending cases?

The Deputy Minister of Defence (Sardar Majithia): (a) The Central Government is responsible for settling the pension/gratuity claims of personnel of the Indian States Forces units (as distinct from non-Indian States Forces units) of the erstwhile State Forces of Rajasthan, who were released from service as a result of the integration of the State Forces with the Indian Army. The total number of such personnel eligible for pension/gratuity was 11,166. Except in 23 cases, their claims to pension/gratuity have been settled.

(b) The following steps have been taken to expedite the settlement of the 23 outstanding cases:—

(1) In 19 cases of Bandsmen, civil pension rules apply. The cases were held up owing to absence of regular service books and difficulty in working out average pay for the last three years. Special Government sanction was given for—

(i) The acceptance, as a special case, of the service book as reconstructed and entries therein; and

(ii) assessment of pension on the basis of their presumptive pay.

The pension sanctioning authority viz., the Controller of Defence Accounts (Pensions), Allahabad, has been asked to indicate whether there are any other requirements regarding which further Government orders are necessary.

(2) In one case, the officer had 3 distinct spells of service, two in the State Forces and one as a civilian Government servant in the Jaipur State. His pensionary entitlement was not clear. Action is in hand to sanction the mustering out gratuity for his last spell of State Forces service The question of taking into account his previous spells of service also for pension is being examined.

(3) In 3 other outstanding cases of officers, orders were initially issued providing for the grant of gratuity to them on the basis that they were non-regular officers. Subsequently, it came to light that they held regular State Forces commission. Action is now in hand to grant them mustering out pension/gratuity as for regular officers of the Rajasthan State Forces.

Water Supply in Delhi

1220. **Shri D. C. Sharma:** Will the Minister of Defence be pleased to state:

(a) whether it is a fact that the Indian Armed Forces had to be called for restoring water supply in Delhi and New Delhi areas fed by the Wazirabad pumping station during 1958;

(b) if so, the number of Armed Forces personnel that worked at the pumping station during 1958; and

(c) how far they have been successful in excavating feeding channels to the pumping station?

The Deputy Minister of Defence (Sardar Majithia): (a) Yes.

(b) Upto a maximum of 685 personnel were employed at any one time. This figure, however, varied from day to day according to the requirement of work at the pumping site.

(c) The Army successfully completed the digging of the intake channels to the Pumping Station. After the Army took over complete responsibility for water supply in Delhi on the night of 19th August, 1958, they dug a temporary channel and restored normal water supply within 48 hours. They maintained this temporary channel till the 29th August, 1958, by when they had completed the digging of the main channel. Thereafter, they continued to maintain the main channel till they handed back the responsibility of water supply to the Delhi Corporation on the 25th October, 1958.

"Story of Life"

1221. **Shri Subodh Hansda:**
Shri S. C. Samanta:

Will the Minister of Education be pleased to state:

(a) whether the manuscript copy of the 'Story of Life' has been examined by the Government;

(b) if so, whether it is ready for publication; and

(c) when it is expected to be put on sale?

The Minister of Education (Dr. K. L. Shrimali): (a) The manuscript of the 'Story of Life' is still under examination.

(b) and (c). Do not arise.

हिमाचल प्रदेश में पंचायत घर

१२२२. श्री पद्म देव : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) योजना के अनुसार अब तक कितने पंचायत घर निर्मित हो चुके हैं ;

(ख) वर्ष १९५८-५९ में अब तक कितने पंचायत घर बनाये जा चुके हैं ; और

(ग) योजना कब तक पूरी होगी ?

गृह-कार्य मंत्री (पंडित गो० ब० पन्त) : (क) १२ पंचायत घर बनाए जा चुके हैं ।

(ख) और (ग). २२ पंचायत घर बनाए जा रहे हैं और अन्य १६ पंचायत घरों के लिए सामान प्राप्त किया जा रहा है । दूसरी पंच साला योजना के अन्त तक ९२ पंचायत घर बनाने की योजना है और आशा है कि योजना काल के समाप्त होने तक ये बन कर तैयार हो जायेंगे ।

केन्द्रीय आपात सहायता प्रशिक्षण संस्था

१२२३. श्री पद्म देव : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) केन्द्रीय आपात प्रशिक्षण संस्था, नागपुर में अब तक कितने लोगों को प्रशिक्षण दिया गया है ; और

(ख) प्रशिक्षार्थी के लिये योग्यता और आयु का क्या माप दंड अपेक्षित है ?

गृह-कार्य मंत्री (पंडित गो० ब० पन्त): (क) ४१९.

(ख) विभिन्न कोर्सों में ट्रेनिंग पाने के लिये लोगों की आवश्यक योग्यताओं और उम्र का एक विवरण सभा-पटल पर रख दिया गया है । [देखिये परिशिष्ट ३, अनुबन्ध संख्या १०१]

आदिम जातियों को ऋण

१२२४. { श्री पद्म देव :
श्री हेम राज :

क्या गृह-कार्य मंत्री २६ फरवरी, १९५८ के अतारांकित प्रश्न संख्या ६६६ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) तीन वर्ष से अधिक काल से ऋण की कितनी राशि का भुगतान नहीं हुआ जिसे केन्द्रीय आदिम जाति कल्याण सलाहकार बोर्ड की सिफारिश के अनुसार वर्ष १९५७-५८ और १९५८-५९ में अब तक बट्टे खाते में डाल दिया गया है; और

(ख) क्या आदिमजाति के लोगों से वसूल किये जाने वाले ऋण की कुल राशि को जानने के प्रयत्न किये गये थे ?

गृह-कार्य उप मंत्री (श्रीमती आल्वा): एक विवरण सभा-पटल पर रख दिया गया है जिसमें राज्य सरकारों द्वारा इस सिफारिश पर की गई कार्यवाही या इस मामले में उनके विचार दिए हुए हैं । [देखिये परिशिष्ट ३, अनुबन्ध संख्या १०२]

हिमाचल प्रदेश विधान सभा

१२२५. श्री पद्म देव : क्या गृह-कार्य मंत्री एक ऐसा विवरण सभा-पटल पर रखने की कृपा करेंगे जिसमें निम्नलिखित जानकारी दी गई है :

(क) वर्ष १९५५-५६ में हिमाचल प्रदेश विधान सभा और उसके प्रशासन पर कितना व्यय किया गया ; और

(ख) वर्ष १९५७-५८ में हिमाचल प्रदेश प्रादेशिक परिषद् को अनुदान और अंशदान देने पर कितना व्यय हुआ ?

गृह-कार्य मंत्री (पंडित गो० ब० पन्त) : (क) ४,१३,९९४ रुपये ।

(ख) ७१,४५,००० रुपये ।

हिमाचल प्रदेश के कर्मचारियों को हिन्दी पढ़ाना

१२२६. श्री पद्म देव : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) हिमाचल प्रदेश में हिन्दी न जानने वाले सरकारी कर्मचारियों को हिंदी सिखाने के लिये क्या प्रबन्ध किये गये है ;

(ख) क्या भर्ती करते समय हिंदी जानने वाले उम्मीदवारों को प्राथमिकता दी जाती है ;

(ग) यदि उपरोक्त भाग (ख) का उत्तर नकारात्मक हो, तो उसका क्या कारण है ; और

(घ) क्या हिंदी के सारे पत्रों के उत्तर हिन्दी मे दिये जाते है ?

गृह-कार्य मंत्री (पंडित गो० ब० पन्त) : (क) हिमाचल प्रदेश प्रशासन के अधिकांश कर्मचारी हिन्दी जानते हैं । पुलिस और जेल विभागों के हिन्दी न जानने वाले कर्मचा.रयों को हि.दी सिखाने का इन्तजाम किया गया है ।

(ख) और (ग). हिमाचल प्रदेश के स्कूलों में शिक्षा का माध्यम हिन्दी है और नौकरी के लिए आने वाले नये उम्मीदवार हिन्दी जानते हैं ।

(घ) ज्यादातर ।

Civilian Defence Employees

1227. Shri S. M. Banerjee: Will the Minister of **Defence** be pleased to state:

(a) whether the Civilian Defence Employees receive their provident fund and gratuity after retirement or discharge after a long time;

(b) whether it is also a fact that some cases are pending for payment since last two or three years;.

(c) if so, how many cases were pending in Ordnance Factories, Ordnance Depots, M.E.S. and Technical Development Establishment on the 1st October, 1958; and

(d) the steps taken to obviate the delay?

The Deputy Minister of Defence (Shri Raghuramaiah): (a) Not generally.

(b) Yes.

(c) The information is being collected and will be laid on the Table of the Lok Sabha.

(d) A statement explaining the reasons for abnormal delay in settlement of a number of cases and steps taken to settle them as expeditiously as possible, is placed on the Table. [*See* Appendix III, annexure No. 103]

Indo-Canada Talks on Double Taxation

1228. Shri Shree Narayan Das: Will the Minister of **Finance** be pleased to state:

(a) Whether Indo-Canada talks on arrangements for avoidance of double taxation have been finalised; and

(b) if so, the nature of the agreement reached?

The Minister of Finance (Shri Morarji Desai): (a) and (b). A delegation consisting of Shri V. V. Chari, Member, Central Board of Revenue (leader), Shri N. H. Naqvi, Secretary, Central Board of Revenue and Shri M. S. Sivaramakrishna, Under Secretary, Central Board of Revenue, left India on the 1st December '58 for Canada. They will engage in negotiations with the taxation authorities of Canada with a view to exploring the passes from multipurpose school ment with that country for avoidance of double taxation of income.

Multipurpose Schools

1229. { **Pandit D. N. Tiwary:**
Shri P. G. Deb:

Will the Minister of **Education** be pleased to state:

(a) the number of multipurpose schools opened so far in different States (State-wise); and

(b) how the status of a student who passes from multipurpose school differs from that of a student who has matriculated from a Secondary School?

The Minister of Education (Dr. K. L. Shrimali): (a) According to the information available the number is as follows:—

Orissa	3
Tripura	8
Assam	17
Uttar Pradesh	43
Madras	135
Bihar	25
Andhra Pradesh	43
Rajasthan	38
Madhya Pradesh	30
West Bengal	378
Kerala	112
Mysore	38
Jammu & Kashmir	8
Bombay	164
TOTAL	1,042

(b) A student passing from a Higher Secondary multi-purpose school can take up the three-year degree course straightaway, whereas a student 'matriculating' from an ordinary secondary school will have to take the four-year course, or attend one year's pre-University course, before taking the three-year degree course.

Income-tax Arrears

1230. **Shri V. P. Nayar:** Will the Minister of **Finance** be pleased to state the total amount of income-tax arrears due from assessees from whom assessments of over 1 lakh of rupees are due?

The Minister of Finance (Shri Morarji Desai): The total amount of income-tax arrears (including Excess Profits Tax and Business Profits Tax) due as on 30.9.1958 from assessees from whom arrear tax demands due exceeded Rs. one lakh, was Rs. 154.68 crores.

Central Glass and Ceramic Research Institute

1231. **Shri Rameshwar Tantia:** Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) whether it is a fact that the Central Glass and Ceramic Research Institute in Calcutta has developed a process for utilising waste mica for the manufacture of wet ground mica;

(b) if so, to what use this newly developed process is being put to; and

(c) how much wet ground mica can be produced in India with this new method?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) Yes, Sir.

(b) By this process can be obtained good quality wet ground mica for use in industries such as paint, rubber, plastics and foundry.

(c) The National Research Development Corporation is taking necessary steps for commercial exploitation. Initially, a unit having a capacity of 1,000 tons of ground mica per annum has been suggested.

Fund-Bank Annual Conference

1232. { **Shri Nagi Reddy:**
Shrimati Parvathi Krishnan:
Shri D. V. Rao:
Pandit D. N. Tiwary:
Shri A. M. Tariq:
Shrimati Mafida Ahmed: }

Will the Minister of **Finance** be pleased to state:

(a) the names of members of the Indian delegation to the annual conference in New Delhi of Fund-Bank;

(b) facilities provided to the delegates coming from other countries; and

(c) total amount spent on these conferences?

The Minister of Finance (Shri Morarji Desai): (a) The composition of the Indian Delegation to the Fund-Bank Conference held in New Delhi is given in the list placed on the Table. [*See* Appendix III, annexure No. 104].

(b) In addition to the usual facilities provided to delegates attending international conferences convened by Specialised United Nations Agencies like the Fund and Bank, which enjoy certain privileges under the United Nations (Privileges and Immunities) Act 1947, facilities for free medical attendance and transport (one car to each delegation) and for visiting Agra or Jaipur were also provided; certain cultural programmes and social functions were also arranged for the delegates.

(c) It is not yet possible to indicate precisely the total expenditure incurred by the Government of India on the conference as several bills for supplies and services have yet to be received. It is, however, estimated that the expenditure is likely to be in the region of Rs. 6 lakhs.

Central Mechanical Engineering Research Institute

1233. { **Shri Ram Krishan:**
Shri Ajit Singh Sarhadi:
Shri Bibhuti Mishra: }

Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) whether the scheme for establishment of a central mechanical engineering research institute at Durgapur has been finalised;

(b) if so, the details thereof; and

(c) when the institute will start functioning?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) Yes, Sir.

(b) A statement is placed on the Table of the House. [*See* Appendix III, annexure No. 105].

(c) Investigational work is expected to be taken up in about a year's time.

Dacoities and Thefts in Delhi

1234. **Shri Ram Krishan:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that the Delhi police have got recently clues to a large number of dacoities: highway robberies and thefts committed in Delhi following interrogation of some men;

(b) if so, the number of persons interrogated and arrested;

(c) whether any property has been recovered from them; and

(d) if so, nature of property recovered?

The Minister of Home Affairs (Pandit G. B. Pant): (a) Yes.

(b) 10.

(c) Yes.

(d) A Car, motor parts, Emergency bags of Doctors, Watch, clothes, Typewriter and Cycles worth Rs. 46,750. In

addition, two cars and 3 revolvers used in the commission of dacoities and robberies also have been recovered.

West Bengal Orissa Dispute

1235. Shri Ram Krishan:
Shri Raghunath Singh:
Shri Ajit Singh Sarhadi:
Dr Ram Subhag Singh:
Sardar Iqbal Singh:

Will the Minister of Home Affairs be pleased to state.

(a) whether the dispute between West-Bengal Government and Orissa Government relating to fishing rights in the coastal waters of Orissa has been settled, and

(b) if so, the nature of the settlement?

The Minister of Home Affairs (Pandit G. B. Pant): (a) and (b) The matter was considered at the last meeting of the Eastern Zonal Council, which decided that it should be discussed between the Chief Secretaries of the two State Governments with a view to arriving at some reasonable working arrangements Intimation about the further progress of the case is awaited

Integration of State Associated Banks

1236. Shri Ram Krishan:
Shri Ajit Singh Sarhadi:
Shri Warior:
Shri Vasudevan Nair:
Shri Wodeyar:
Shrimati Parvathi Krishnan:
Shri Agadi:

Will the Minister of Finance be pleased to refer to the reply given to Starred Question No 546 on 26th August, 1958 and state

(a) whether recommendations made by the All India Rural Credit Survey Committee regarding amalgamation of major States-associated banks with the State Bank of India have been considered and examined;

(b) if so, the nature of decisions taken;

(c) the names of the banks to be amalgamated with State Bank of India; and

(d) the rate at which the shareholders will be compensated?

The Minister of Finance (Shri Morarji Desai): (a) Yes

(b) The recommendations have been accepted in principle.

(c) and (d) The matter is still under consideration and no final decision has yet been taken.

Geological Survey of Kashmir

1237. **Shri Ram Krishan:** Will the Minister of Steel, Mines and Fuel be pleased to refer to reply given to Unstarred Question No 1458 on the 3rd September, 1958 and state·

(a) whether the reports on mineral investigations carried out by the Geological Survey of India in Kashmir during 1957-58 have been prepared, and

(b) if so, whether copies of the reports will be laid on the Table?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) Two reports on mineral investigations carried out by the Geological Survey of India in Kashmir during 1957-58 have so far been prepared The other reports are now under preparation

(b) It is not the practice to lay copies of the reports on the investigations carried out by officers of the Geological Survey of India during any field season on the Table of the House, but I should be very happy to furnish the Honourable Member with copies of the reports on the work done in Kashmir during the field season 1957-58 if he is interested in them These reports will be published in due course.

Plant and Machinery for Rourkela Steel Plant

1238. **Shri Morarka:** Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) whether it is a fact that so far Rourkela has received plant and machinery worth Rs 26 crores only;

(b) if so, whether remaining plant has been shipped,

(c) out of the plant and machinery received so far, how much is already erected; and

(d) how much of the plant and machinery are already received and erected in terms of percentage?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) to (c) Upto 31st October, 1958 1,94,780 tons of plant and equipment have been received at Rourkela site, out of which 85,676 tons have been erected Exact value of this is not readily available The remaining plant is being shipped according to schedule

(d) 57 per cent of the plant and equipment has been received Out of the plant and equipment received, 44 per cent has been erected

Delay in the Construction of Steel Plants

1239. **Shri Morarka:** Will the Minister of **Steel, Mines and Fuel** be pleased to refer to the reply given to a supplementary on Starred Question No 1016 on the 8th September, 1958 and state

(a) whether the Hindustan Steel (Private) Ltd, or the Government have since calculated the per day loss involved in the steel plants by the delay in commissioning the plants;

(b) if not, the reasons for the same, and

(c) the steps taken so far and proposed to be taken to reduce the delay?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) and (b) As explained in reply to starred question No. 1016 answered on the 8th September 1958, dates of completion were fixed in the beginning for various departments of the plant. These dates were also generally adopted in contracts in order to ensure timely and co-orinated work A calculation of the national loss per day would have to be based on the possible rate of production which would or might have been achieved had the department concerned been completed on the scheduled date A certain time would be necessary in all sections of the plant to achieve full production The length of time will depend not only on the nature and intricacy of the work but also on the skill of the operatives A calculation of national loss would also involve the assumptions that the quantity that might have been produced would have to be imported For these reasons, calculations of this kind would have little practical value But on the assumption that the time required for achieving full production would be the same whatever be the date of starting the ultimate effect of the so-called loss can be regarded as equal to the value of the production per day of the department concerned at full rated capacity Thus, the ultimate production would be of the order of 2,000 tons of finished steel per day in each plant Roughly the value of this quantity at Indian prices will be about Rs 9 lakhs The element of potential profit that might accrue to Hindustan Steel Private Ltd, is not easy to forecast

(c) Efforts are constantly being made to speed up work and to make up for lost time wherever possible

Coal Production Targets

1240. **Shri Morarka:** Will the Minister of **Steel, Mines and Fuel** be pleased to lay a statement on the Table showing the total amount spent during 1956-57 and 1957-58 in the public and private sectors on coal production and the amount likely to be spent during 1958-59 for the purpose?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): No figures are readily available regarding the amounts spent by the private sector. The collection of the information will involve a considerable amount of time and labour as numerous collieries are involved.

Regarding public sector, the information is given below:

	Rs.
1956-57 . .	1,04,70,000
1957-58 . .	3,32,65,000
1958-59 . .	10,72,70,000 (Likely to be spent).

Kerala University

1241. { Shri Warior:
Shri Vasudevan Nair:

Will the Minister of Education be pleased to state:

(a) whether it is a fact that a department of Oceanography has been established in the University of Kerala; and

(b) if so, whether any special grant has been given for the department?

The Minister of Education (Dr. K. L. Shrimali): (a) Yes, Sir. The activities of the Department of Marine Biology established by the former Travancore University in 1940 have been extended considerably and it is now called the Department of Biological Oceanography.

(b) The University Grants Commission have approved and sanctioned the following amounts for the development of the Department for the period 1957-61:

Purpose	Total approved cost	Grants sanctioned by U.G.C.
1	2	3
	Rs.	Rs.
Non-recurring		
1. Buildings, furniture, fittings and other miscellaneous requirements . .	5,50,000	3,66,665
2. Equipment .	1,00,000	66,666
Total Non-recurring .	6,50,000	4,33,331
Recurring (Total for period 1957-61)		
For staff and maintenance . .	83,000	41,500

Arrest of Colombo Bound Passengers

1242. Shri Raghunath Singh: Will the Minister of Home Affairs be pleased to state whether it is a fact that two Colombo bound passengers travelling abroad an Italian liner "Asia" from Genoa were arrested on allegation of possessing some incriminating documents in their cabin on the 14th October, 1958 at Bombay?

The Minister of Home Affairs (Pandit G. B. Pant): Yes.

Reservation of Seats in Educational Institutions

1243. Shri E. Madhusudan Rao: Will the Minister of Education be pleased to state:

(a) whether any State Governments have complied with the request of the Union Ministry to reserve 20 per cent. of the seats in educational institutions for Scheduled Tribes and Scheduled Castes and raise the maximum age limit by three years for the admission of such students; and

(b) if so, the names of those States?

The Minister of Education (Dr. K. L. Shrimali): (a) and (b). Two statements giving the requisite information are placed on the Table. [*See* Appendix III, annexure No. 106].

Gold Smuggling

1244. Shri Raghunath Singh: Will the Minister of Finance be pleased to state whether it is a fact that from the engine room of a vessel S. S. "Dwarka" gold worth rupees 2,20,000 was recovered by the custom authorities of Bombay on the 20th October, 1958 when the said ship came from Persian Gulf?

The Minister of Finance (Shri Morarji Desai): Yes, Sir.

Indian School of Mines and Applied Geology, Dhanbad

1245. { Shri Jhulan Sinha:
Shri B. P. Sinha:

Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) the improvement in the teaching and administrative arrangements at the Indian School of Mines and Applied Geology at Dhanbad since the posting of the Director in addition to the Principal there;

(b) the total amount of additional expenditure incurred owing to the new arrangement; and

(c) the reasons for not making appointments of Directors on the recommendation of the Public Service Commission?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) A scheme for the expansion and development of the School is in the course of implementation. The provision for degree course in Mining Engineering has been more than doubled and new courses in Applied Geophysics and Petroleum Technology have been instituted.

(b) An additional expenditure of Rs. 33,000 has been incurred upto 31·3·58. The present additional expenditure is Rs. 338 p.m.

(c) The post of Director, Indian School of Mines and Applied Geology was held from the 1st May, 1957 to 30th June, 1958 by the former Director, Geological Survey of India, who had been given extension of service The post is filled at present purely on a temporary basis upto a mixinum period of one year in accordance with the Union Public Service Commission (Consultation) Regulations. The question of sanctioning the post on a permanent basis and filling it on the recommendations of Union Public Service Commission is under consideration.

Alipur and Kanjhawala Blocks

1246. Shri Vajpayee: Will the Minister of **Home Affairs** be pleased to state:

(a) whether complaints have been made to Government that several thousand acres of land in the Alipur and Kanjhawala blocks in Delhi Territory were inundated as the drains were blocked; and

(b) if so, the action taken in respect thereof?

The Minister of Home Affairs (Pandit G. B. Pant): (a) Complaints were received by the Delhi Administration to the effect that some places had been inundated due to heavy rains;

(b) Water has been drained off, wherever possible, with the help of local villagers by digging new temporary drains leading up to a regular drain.

जामसर जिप्सम खानें

१२४७. श्री प० ला० बारूपाल : क्या इस्पात, खान और ईंधन मंत्री यह बताने की कृपा करेंगे कि राजस्थान के बीकानेर डिविजन में जामसर जिप्सम खान के अन्तर्गत कितनी क्षेत्रफल भूमि है और जमीन के स्तर से वह कितने घन फुट नीची है ?

खान और तेल मंत्री (श्री के० दे० मालवीय) : बीकानेर डिवीजन में "सर्वश्री बीकानेर जिप्सम लि०" की दोनों खानों का क्षेत्रफल ४.२७ वर्गमील है। इन खुली खानों मे काम करने का स्थान जमीन के स्तर से ३० फीट नीचा है ।

Tripura Council Employees

1248. Shri Dasaratha Deb: Will the Minister of **Home Affairs** be pleased to state:

(a) whether Government have received a copy of the resolution adopted by the Tripura Territorial Council,

asking the Government to make services of the employees under Territorial Council, pensionable; and

(b) if so, the action taken thereon?

The Minister of Home Affairs (Pandit G. B. Pant): (a) Yes.

(b) The matter is under consideration.

Tripura Administration

1249. Shri Dasaratha Deb: Will the Minister of Home Affairs be pleased to state:

(a) whether the Tripura Administration has received representations against the new tax proposals notified in the Tripura Gazette, for the town areas of Agartala; and

(b) if so, the action taken thereon?

The Minister of Home Affairs (Pandit G. B. Pant): (a) and (b). Yes. A large number of objections have been received against the rent-rates proposed for Agartala town in the draft Rent-Rates Report of the Administration. They re under examination.

Seizure of Smuggled Gold

1250. { **Shrimati Mafida Ahmed:** / **Shri Raghunath Singh:** / **Shri Pannalal Barupal:**

Will the Minister of Finance be pleased to state:

(a) whether it is a fact that the Bombay Customs seized 240 tolas of gold from an Indian passenger returning from Aden by a French Streamer on 24th October, 1958; and

(b) if so, the details of the incident?

The Minister of Finance (Shri Morarji Desai): (a) and (b). Yes. Sir. On the 24th October, 1958, 242 tolas of gold were seized by the Bombay Customs authorities from the baggage of an Indian passenger who arrived from Aden by the French ship s.s. "Combadge". The gold was in the form of bars beaten up and stuck to the bottom of a trunk. The gold had also been given a coat of black paint and concealed under a layer of plaster of Paris.

Defence Research and Development Organisation

1251. Shri U. C. Patnaik: Will the Minister of Defence be pleased to state:

(a) what is the present sanctioned strength of scientists in the Defence Research and Development Organisation in each category and what is the existing strength; and

(b) what is the charter of duties assigned to the Organisation?

The Deputy Minister of Defence (Shri Raghuramaiah): (a) Besides 17 senior appointments including that of Scientific Adviser, 145 Senior and 126 Junior Scientific/Technical Officers are authorised for the Defence Research and Development Organisation. As against this, the actual strength is 16 Senior Officers (Principal Scientific Officers and above) and 163 Senior and Junior Officers (Senior Scientific Officer Grade I, Senior Scientific Officers Grade II and Junior Scientific Officers).

(b) Briefly, the Defence Research and Development Organisation is responsible for undertaking research, design and development of stores and equipment for the Army, Navy and Air Force, including armaments, ammunition, electronics, engineer stores, aircrafts and vehicles.

Radio Valves

1252. Shri Morarka: Will the Minister of Defence be pleased to state:

(a) whether it is a fact that Government have decided to manufacture radio valves at Bharat Electronics (Private) Ltd.;

(b) if so, whether any foreign collaboration is proposed; and

(c) the progress of the scheme so far?

The Deputy Minister of Defence (Shri Raghuramaiah): (a) Bharat Electronics Ltd. have decided in principle to manufacture radio valves.

(b) and (c). Negotiations with a foreign firm for collaboration are at an advanced stage.

Overstay of Pakistanis

1253. { Shri Tridib Kumar Chaudhuri:
Shri Bishwanath Roy:

Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is fact that more than 80,000 Pakistani nationals were staying in India even after the expiry of the period for which visas or permits were issued to them upto March, 1958;

(b) what are their numbers now. community-wise, from East and West Pakistan; and

(c) whether it is a fact that entry into India by Pakistani nationals without any kind of visa or permit has increased since the installation of military rule in Pakistan?

The Minister of Home Affairs (Pandit G. B. Pant): (a) to (c). The information is being collected and will be laid on the Table of the House, as soon as it is available.

Canopy Covers for Aircrafts

1254. Shri Ramakrishna Reddy: Will the Minister of **Defence** be pleased to state:

(a) whether quantity production of Canopy Covers for aircrafts has been started to provide each I.A.F. station with one; and

(b) if so, how many have been produced and total cost of production?

The Deputy Minister of Defence (Sardar Majithia): (a) Canopy covers have been provided at certain Air Force Stations from stocks procured indigenously.

(b) 119 canopy covers have been procured for approximately Rs. 51,000.

Civic Amenities in Shakurbasti

1255. { Shri Vajpayee:
Shri U. L. Patil:
Shri A. K. Gopalan:

Will the Minister of **Home Affairs** be pleased to state:

(a) whether Government have received any representation from the residents of Shakurbasti on Rohtak Road in respect of the civic amenities of that locality; and

(b) if so, the steps taken by Government in this regard?

The Minister of Home Affairs (Pandit G. B. Pant): (a) Yes.

(b) The Delhi Municipal Corporation which is concerned in the matter is making a survey of all such areas including Shakurbasti which are deficit in basic services and will take up schemes for providing such services as and when funds are available.

दिल्ली में हाई स्कूल

१२५६. श्री प्रकाशवीर शास्त्री : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) इस समय दिल्ली राज्य में कितने हाई स्कूल हैं और इन स्कूलों में कितने अस्थायी तथा कितने स्थायी अध्यापक लगे हुए हैं ;

(ख) दिल्ली राज्य में इस समय अध्यापकों को स्थायी बनाने की क्या प्रणाली है ; और

(ग) क्या सरकार दिल्ली में और हाई स्कूल खोलने की किसी योजना पर विचार कर रही है ; और यदि हां, तो कब तक इसे कार्यान्वित किया जायेगा ?

शिक्षा मंत्री (डा० का० ला० श्रीमाली) : (क) (१) दिल्ली में ४१ सरकारी और २१ सहायता प्राप्त गैर-सरकारी हाई स्कूल हैं।

(२) सरकारी हाई स्कूलों में ७०८ अस्थायी और ४२६ स्थायी अध्यापक काम कर रहे हैं। सहायता-प्राप्त स्कूलों के बारे में सूचना इकट्ठी की जा रही है जो यथा-समय लोक-सभा पटल पर रख दी जायेगी।

(ख) स्थायी पदों पर पक्की नियुक्ति प्रवरता के आधार पर की जाती है, पर प्रवरता के साथ संतोषजनक काम और अच्छा स्वास्थ्य होना भी आवश्यक है।

(ग) दिल्ली में ऐसे और हाई स्कूल खोलने की कोई योजना सरकार के विचाराधीन नहीं है। हां, नये उच्च माध्यमिक स्कूल खोलने और या वर्तमान हाई स्कूलों को क्रमश: उच्च माध्यमिक स्कूलों में बदलने का एक कार्यक्रम अवश्य बनाया गया है।

West Bengal Land Development and Planning Act

1257. Shri Bangshi Thakur: Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that the West Bengal Land Development and Planning (Amendment) Act of 1951 and 1955 have not been extended to Tripura; and

(b) if so, the reasons therefor?

The Minister of Home Affairs (Pandit G. B. Pant): (a) Yes.

(b) The amending Act of 1951 was not extended to Tripura as it had no relevance to that territory. The question of extending the 1955 Act is under consideration.

प्रिविलेज टिकट आर्डर

१२५८. श्री भक्त दर्शन : क्या गृह-कार्य मंत्री २६ अगस्त, १९५८ के अतारांकित प्रश्न संख्या ९१५ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि केन्द्रीय सरकार के कर्मचारियों द्वारा प्रिविलेज टिकट आर्डर के उपयोग के बारे में जो सूचना एकत्रित की जा रही थी क्या उस का विवरण सभा-पटल पर रखा जायेगा ?

गृह-कार्य मंत्रालय में राज्य-मंत्री (श्री दातार) : अभी कुछ मंत्रालयों से सूचना आनी बाकी है, उन से प्राप्त होने पर पूरी सूचना सभा-पटल पर रख दी जायेगी।

उत्तर प्रदेश के पहाड़ी जिलों का सर्वेक्षण

१२५९. श्री भक्त दर्शन : क्या इस्पात, खान और ईंधन मंत्री यह बताने की कृपा करेंगे कि :

(क) वर्ष १९५७-५८ में भूगर्भ-शास्त्रियों ने उत्तर प्रदेश के पांच पर्वतीय जिलों, यथा अल्मोड़ा, नैनीताल, गढ़वाल, देहरादून और टिहरी-गढ़वाल के किन-किन स्थानों का सर्वेक्षण किया;

(ख) उन स्थानों के खनिज निक्षेपों के बारे में उन के द्वारा दी गयी रिपोर्टों का सार क्या है;

(ग) उन खनिज निक्षेपों की खुदाई के सम्बन्ध में अब तक क्या प्रगति हुई है; और

(घ) वर्ष १९५८-५९ के लिये कौन सा कार्यक्रम तैयार किया गया है ?

खान और तेल मंत्री (श्री के० दे० मालवीय) : (क) कर्मचारी वर्ग और उपकरणों की कमी के कारण भारतीय भूगर्भीय सर्वेक्षण विभाग ने १९५७-५८ के क्षेत्र में काम करने वाले मौसम में केवल अल्मोड़ा जिले के शिखानी, पिथोरगढ़, देवलथाल और बड़ा अगार नामक क्षेत्रों का सर्वेक्षण किया।

(ख) और (ग) अब तक जो काम किया गया है उस से किसी विशेष जलमार्ग (Lode) का पता नहीं लगता लेकिन भारत में नान फैरस (Non-ferrous) धातुओं के

महत्व के कारण तांबा और सीसे के भूभंडारों की खोज का काम बढ़ाया जा रहा है और अधिक क्षेत्र पर किया जा रहा है ।

(घ) १९५८–५९ के लिये जो कार्यक्रम बनाया गया है उस में भारतीय भूगर्भीय सर्वेक्षण विभाग का १९५८–५९ के लिये क्षेत्रीय कार्यक्रम भी सम्मिलित है जिस की प्रति संसद् के पुस्तकालय में भी उपलब्ध है ।

अफजलगढ़ में भूतपूर्व सैनिकों की बस्ती

१२६०. श्री भक्त दर्शन : क्या प्रतिरक्षा मंत्री १२ दिसम्बर, १९५७ के अतारांकित प्रश्न संख्या १५६८ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) उत्तर प्रदेश के जिला बिजनौर में अफजलगढ़ स्थित भूतपूर्व सैनिकों की बस्ती में इस बीच सुधार के और कौन से कार्य सम्पन्न हुए हैं;

(ख) इस बस्ती को पूर्णतया विकसित करने के लिये अब कौन से कार्य शेष है ;

(ग) इस दिशा में क्या कार्यवाही की जा रही है; और

(घ) उन कार्यों के अभी तक भी पूरा न हो सकने के क्या कारण हैं ?

प्रतिरक्षा उपमंत्री (सरदार मजीठिया): (क) भूतपूर्व सैनिकों की अफजलगढ़ की बस्ती में अक्तूबर १९५७ से अक्तूबर १९५८ के समय में यह यह काम सम्पन्न हुए हैं :—

लगभग ११५० एकड़ भूमि को कृषि योग्य बनाया गया है । एक पंचायतघर-युक्त प्राइमरी स्कूल तैयार किया गया है । एक छोटा डाकघर और ४ बच्चों के पार्क खोले गये हैं । अफजलगढ़-कालागढ़ मार्ग के दो मील टुकड़े पर पत्थर बिछाये गये हैं और बस्ती के गांवों को मिलाने वाली ४ मील लम्बी कोलतार सड़क तैयार की गई है । २० मील बिजली के तार बिछाये गये हैं । एक आटे की चक्की और चार सांड केन्द्र स्थापित किये गये हैं ।

एक चीनी का कारखाना जिस में प्रति दिन १००० मन गन्ना पीड़ा जा सकेगा तैयार हो रहा है और जनवरी १९५९ में उस में उत्पादन जारी होने की आशा है ।

१६ और भूतपूर्व सैनिकों को बसाया गया है और उन्हें १६ जोड़ी बैल दिये गये हैं ।

(ख) लगभग १९०० एकड़ भूमि अभी कृषि योग्य बनानी बाकी है । एक जूनियर हाई स्कूल, २ पंचायतघर, बसने वालों के लिये २७२ क्वार्टर, एक अस्पताल तथा शिशु-केन्द्र, लौहार तथा बढ़ई का कारखाना, और पशु चिकित्सालय भी तैयार करने हैं । दो छोटे डाकघर, चार प्राइमरी स्कूल और ४ बच्चों के पार्क खोले जाने हैं । ग्राम्य दस्तकारियां स्थापित करनी हैं ।

(ग) भूमि को कृषि योग्य बनाने का काम प्रगतिशील है । जूनियर हाई स्कूल की इमारत के लिये निधि जुटाने का प्रबन्ध हो रहा है । दूसरे मदों के बारे में प्रारम्भिक पग उठाये गये हैं और शेष मदों को जितना शीघ्र हो सके कार्यान्वित करने के लिये यत्न किए जा रहे हैं ।

(घ) बस्ती का विस्तार क्रमशः हो रहा है और विभिन्न कार्य आवश्यकता और बस्ती की जनसंख्या में वृद्धि अनुसार संपन्न किये जा रहे हैं ।

Multi-purpose Schools

1261. Shri Ram Krishan: Will the Minister of **Education** be pleased to state:

(a) the progress achieved so far in respect of conversion of existing higher secondary institutions into multipurpose schools; and

(b) what steps Government propose to take for achieving the targets laid down in Second Five Year Plan for conversion of such institutions?

The Minister of Education (Dr. K. L. Shrimali): (a) According to latest information available with us, 1042 Secondary Schools have been converted into multi-purpose schools so far.

(b) The progress is satisfactory and it is hoped that the target of 1437 multi-purpose schools will be achieved during the Second Plan period.

Sports in Manipur

1262. Shri L. Achaw Singh: Will the Minister of **Education** be pleased to state:

(a) the total amount sanctioned for promotion of sports and games in Manipur during 1958-59; and

(b) the names of different sports associations in Manipur with the respective amounts given to them as grants-in-aid during 1958-59 so far?

The Minister of Education (Dr. K. L. Shrimali): (a) and (b). No grants have been sanctioned by the Government of India for the promotion of sports and games in Manipur during 1958-59 so far. Grants are paid on an *ad hoc* basis and no specific allocation has been made for any State for 1958-59. The Manipur Administration, however, have so far sanctioned a sum of Rs. 2,800/- as noted below:—

(i) Rs. 600/- to All Manipur Sports Association from Chief Commissioner's discretionary grant.

(ii) Rs. 200/- to All Manipur Badminton Association from Chief Commissioner's discretionary grant.

(iii) Rs. 2,000/- to organise Schools Sports in six different centres, five in the Hills and one in the Valley, from the Education Budget.

Tribal Areas, Manipur

1263. Shri L. Achaw Singh: Will the Minister of **Home Affairs** be pleased to state:

(a) whether a sum of Rs. 68,342 has been spent during 1957-58 for irrigation and reclamation of land in the tribal areas of Manipur; and

(b) if so, the length of the channels constructed for irrigation and the acreage of land reclaimed in each sub-division?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) and (b). Yes, during the year 1957-58 a sum of Rs. 68,342 was spent on the construction of 86½ miles of irrigation channels to reclaim 119 acres of land. Sub-division-wise figures are being obtained and will be laid on the Table of the House as soon as received. In addition, an amount of Rs. 78,319/- was spent in the Tamenglong Multi-purpose Block on the construction of 25 miles of irrigation channels to reclaim 511 acres of land.

Literary Centres for Backward Classes in Manipur

1264. Shri L. Achaw Singh: Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that 7 literary centres were opened in the different villages for backward classes in Manipur; and

(b) if so, the amount of money allotted for each and nature of their activities?

The Minister of Home Affairs (Pandit G. B. Pant): (a) Six Adult Literary Centres for Backward Classes have already been opened. One more centre will be opened during the current month.

(b) A sum of Rs. 275/- is allotted to each centre for purchase of furniture, equipment and teaching and reading material. Provision has also been made for the payment of honorarium at the rate of Rs. 10/- p.m. to a teacher for each centre. Evening classes for two hours are held every day. Books, slates etc., are supplied free of cost to persons attending the centres.

Surplus Stores in Army

1265. Shri Subbiah Ambalam: Will the Minister of Defence be pleased to state:

(a) the value of the surplus stores in the Army that have been disposed of annually from 1954 to 1958, giving the book value and the amount realised in public auction or otherwise every year; and

(b) the procedure adopted to ascertain the surplus stores in the Army?

The Deputy Minister of Defence (Shri Raghuramaiah): (a) The book value and sale value of defence surplus stores that have been disposed of during the financial years 1954-55 to 1957-58 are as follows:—

	Book value	*Sale value*
	Rs. in crores	Rs. in crores
1954-55	18·79	4·35
1955-56	22·54	4·78
1956-57	13·35	3·45
1957-58	11·55	3·43

In addition to the value of Army surplus stores, the above figures include the value of stores relating to Navy, Air Force and Ordnance Factories as well. The Disposals Organisation from whom the figures have been collected do not maintain statistics separately for Navy, Air Force and Ordnance Factory surplus stores and, as such, the value of Army surplus stores alone is not readily available.

(b) A statement is placed on the Table. [*See* Appendix III, annexure No. 107].

Sepoy

1266. Shri Subbiah Ambalam: Will the Minister of Defence be pleased to state:

(a) the salary and terms of service of a sepoy in the Indian Army;

(b) whether there is any compulsory Provident Fund Scheme for the sepoy; and

(c) the amount of pension paid to him on his retirement from service?

The Deputy Minister of Defence (Sardar Majithia): (a)

I—SALARY

For the purpose of pay, a trained soldier in the Indian Army is placed in one of eight pay groups according to the category to which he belongs; and, within the same group, in one of various classes according to his technical and educational qualifications and length of service, wherever applicable.

2. The rates of pay of a sepoy (which include deferred pay at Rs. 3/- p.m.) are as under:—

(i) Recruit on entry	Rs. p.m.
(a) Normal entry rate	20·00
Young soldier—on completion of one year's service, if not already qualified for trained soldier's pay	22·50
(b) Matriculate entry rate (applicable to those categories of recruits who are required to be matriculates at the time of their enrolment)	35·00
(c) Skilled entry rate (applicable to recruits for categories in certain groups who at the time of their enrolment are required to possess technical or trade qualifications obtained in civil life.)	Rate appropriate to class 3 or class 4 (as may be decided by the Commanding Officer) of the category for which recruited.

(ii) *Trained Soldier*

Group	Class 4	Class 3	Class 2	Class 1
	p m Rs nP	p.m Rs nP	p m Rs. nP.	p m. Rs nP
A		72 50	82 50	90 00
B	40 00	52 50	62 50	72 50
C	35·00	45 00	52 50	62 50
D	30 00	35 00	45 00	52 50
F		30 00	35 00	40 00
F, G and H		25 00	30 00	35 00

3 A sepoy gets two increments of pay of Rs 2 50 p m each, one after 5 years service and the other after 10 years service

4 The following allowances are admissible to a sepoy —

(1) Dearness allowance–Rs 22 50 p m if his pay does not exceed Rs 50 00 p m, and Rs 27 50 p m if his pay is between Rs 51 00 and Rs 100 00 p m

(2) Compensatory (city) allowance at stations where such allowance is admissible to civilians—at half the civilian rates

(3) Ration allowance when free rations cannot be provided—Rs 1 17 to Rs 3 00 per diem

(4) Compensation in lieu of quarters, when married accommodation is not provided to a sepoy entitled to it under the Regulations—Rs 10 50 p m, plus 50% thereof at Bombay, Calcutta, Madras, Delhi/New Delhi, and Simla

(5) Conservancy allowance, when free conservancy cannot be provided to a sepoy entitled to quarters under the Regulations—upto a maximum of Rs 7 00 p m

(6) Clothing allowance, for replacement and repair of articles of personal clothing and necessaries—Rs 2·50 p m to a recruit during the period of training and Rs. 5·00 p m to a trained soldier

(7) Mufti clothing allowance, for the purchase of mufti clothing —Rs 16 00

(8) Hair-cutting/hair-cleaning and washing allowance, where these services cannot be provided in kind—Rs 2 00 p m

(9) Various other allowances in certain circumstances, e g parachute pay of Rs 15 00 p m when employed on parachute duties, with an increase of Rs 5 00 p m after 2 years continuous service as a parachutist, expatriation allowance of Rs 10 00 p m when serving ex-India, etc,

II—TERMS OF SERVICE

The "terms of service" of a sepoy comprise a large number of matters which are governed by numerous orders and regulations and would, therefore, cover a very wide field However, the main terms of service are briefly given below·—

Period of Engagement

The total period of engagement of a sepoy consists of a period of service with the colours followed by a period of service with the reserve (except in a few cases where there is no reserve service e g in respect of bandsmen) The total period of engagement of a sepoy depends upon the category to which he belongs and varies from one

arm/service to another. But generally the period of engagement is:—

either 7 years with the colours and 8 years with the reserve

or 12 years with the colours and 8 years with the reserve.

or 10 years with the colours and 10 years with the reserve.

Sepoys who may be promising can also be granted extension of service and can be allowed to continue to serve beyond the combined colour and reserve service period subject to the fulfilment of certain prescribed conditions.

Promotion

Subject to passing of the prescribed tests and fulfilment of certain other conditions, a sepoy can be promoted successively to the ranks of Naik, Havildar, Jemadar, Subedar and Subedar Major. Those who are promoted to these ranks are allowed to serve till they complete the service/tenure limits laid down in respect of the rank to which he is promoted. On becoming an NCO, and subject to fulfilment of the prescribed conditions, a sepoy can also look forward to getting a permanent regular commission in the Army against the reserved vacancies in the Military College, Dehra Dun.

Leave

The casual leave admissible to a sepoy is 30 days in a year, of which not more than 10 days (20 days in exceptional cases) can be taken at any one time.: The annual leave admissible is 60 days, which cannot normally be carried forward from one calendar year to another, but if in any year a sepoy does not take any leave other than casual leave, he is eligible to get 90 days' leave in the succeeding year. In addition, sick leave and special leave on compassionate grounds are also allowed, where necessary. With the annual leave, a sepoy gets travelling concession in the form of railway warrants from the station of duty to his home station and back. If the journey from the duty station to his home station takes more than two days, then, in conjunction with the annual leave, he also gets additional leave to cover the entire journey period exceeding two days in each direction. These concessions are admissible only once a year.

(b) No, Sir. Subscription to the Armed Forces Personnel Provident Fund, which is open to a sepoy, is optional.

(c) Under the New Pension Code, which came into force with effect from the 1st June 1953, a sepoy is on retirement from service, eligible for a service pension, the rates of which vary according to his 'pay group' and length of qualifying service. These rates are as under:—

Rank	Completed years of qualifying service	Rates of Service Pension					
		Group "A"	Group "B"	Group "C"	Group "D"	Group "E"	Groups "F, G & H"
1	2	3	4	5	6	7	8
		Rupees per month					
Sepoy	15	27	22	20	17	16	15
	16	28	23	21	18	17	16
	17	29	24	22	19	18	17
	18	30	25	23	20	19	18
	19	31	26	24	21	20	19
	20	32	27	25	22	21	20

NOTE:—A young soldier (who has not qualified himself for a trained soldier's pay), is eligible for a pension of Rs. 14/- p.m. after completing 15 years of qualifying service or over).

दिल्ली के ग्रामीण क्षेत्रों के लिये टेलीफोन

१२६७. { श्री नवल प्रभाकर :
श्री भक्त दर्शन :

क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि सरकार का विचार दिल्ली के ग्रामीण क्षेत्रों के पुलिस स्टेशनों में टेलीफोन लगाने का है; और

(ख) यदि हां, तो वे कब तक लगाये जायेंगे ?

गृह-कार्य मंत्री (पंडित गो० ब० पन्त) : (क) जी हां ।

(ख) तीन के अलावा सब पुलिस स्टेशनों में ३१ मार्च, १९५९ तक टेलीफोन लग जायेंगे। तार लग जाने के बाद बाकी तीन पुलिस स्टेशनों में भी टेलीफोन लगा दिये जायेंगे ।

Affiliated Colleges in Himachal Pradesh

1268. Shri Daljit Singh: Will the Minister of **Education** be pleased to state the actual amount allotted and so far disbursed by the University Grants Commission to affiliated Colleges in Himachal Pradesh during 1956 to 1958 so far?

The Minister of Education (Dr. K. L. Shrimali): A sum of Rs. 3,926·00 has so far been paid to two affiliated Colleges in Himachal Pradesh to meet the additional expenditure incurred in 1957-58 on account of improvement of salary scales of teachers. The payment for 1958-59 on this account will be made on receipt of statements of salaries for the current financial year from these colleges. No fixed sum is allotted in any year by the Commission for grants to these Colleges on this account.

Educated Unemployment in Punjab

1269. Shri Daljit Singh: Will the Minister of **Education** be pleased to state:

(a) whether any grant has been given to the Government of Punjab for relieving educated unemployment in Punjab, during 1958-59; and

(b) if so, the total amount given?

The Minister of Education (Dr. K. L. Shrimali): (a) and (b). A statement is laid on the Table of the Lok Sabha.

Statement

According to the new procedure introduced this year regarding payment of Central assistance to State Governments, separate sanctions for individual schemes are not issued in advance to them. Instead, lump sum "ways and means advances" to the extent of 3/4 of the admissible Central assistance for all sectors of development are being released in regular monthly instalments beginning in May, 1958.

The amount of Central grants that will be admissible to any State Government under this scheme will be calculated during the 4th quarter of the year on the basis of the actual progress achieved by them during the first three quarters and estimates for the 4th quarter. Scheme-wise sanction of Central grants will be issued accordingly, at that time.

Foreign Students in India

1270. Shri B. C. Prodhan: Will the Minister of **Education** be pleased to refer to the reply given to Unstarred Question No. 1657 on the 8th September, 1958, and state how much help the students from foreign countries studying in India at present are getting annually from the Government of India?

The Minister of Education (Dr. K. L. Shrimali): Information is being collected and will be laid on the Table of the Lok Sabha in due course.

Traffic Regulations in Delhi

1271. Shri P. G. Deb: Will the Minister of **Home Affairs** be pleased to state:

(a) what publicity is given by the traffic police concerning local regula-

tions and bye-laws governing traffic, in Delhi: and

(b) what is the total amount of money allotted for this purpose for the year 1958-59?

The Minister of Home Affairs (Pandit G. B. Pant): (a) Publicity is given through press communiques and occasionally by leaflets.

(b) No separate funds have been allotted for this purpose.

Scheduled Castes and Scheduled Tribes

1272. Shri Siddiah: Will the Minister of **Home Affairs** be pleased to refer to the reply given to Unstarred Question No. 451 on the 18th August, 1958 and state:

(a) whether the recommendations of the State Ministers' Conference have been implemented by each of the State Governments and Union territories; and

(b) if so, the results achieved so far and the amount spent for that purpose?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) and (b). A statement showing the present position in regard to the implementation of the recommendations of the State Ministers' Conference with which the State Governments and the Administrations of Union Territories are concerned is laid on the Table of the House. [*See* Appendix III, annexure No. 108], on the basis of the replies received so far.

Stenographers' Examination

1273. Shri Manay: Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that all the candidates who have qualified at the U.P.S.C. Stenographers' Examination held in 1957 are not being absorbed; and

(b) if so, the reasons therefor?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) and (b). The qualified candidates are being absorbed to the extent vacancies are available. So far, appointments have been offered to 541 persons out of the list of 701 who had qualified. Further appointments from this list will continue to be made against vacancies that may arise till the declaration of the result of the 1958 examination.

Iron and Steel Supply to Mysore

1274. Shri Siddiah: Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) what is the requirement of iron and steel of Mysore State for 1958-59 and what is the allotment made; and

(b) the quantity actually supplied so far?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) and (b). The information is given below:

	Demand (April-Oct. 58)	*Allotment* (April-Oct. '58)	*Despatches* (April-Sept. '58)
	Tons	Tons	Tons
Steel .	49,4,0	14,938	5,602
Pig Iron .	2,600	2,300	Not available

Reservation for Scheduled Castes and Scheduled Tribes

1275. Shri Siddiah: Will the Minister of **Home Affairs** be pleased to state the action taken by the Central Government and the various State Governments and Union territories, on the recommendations made by the Commissioner for Scheduled Castes and Scheduled Tribes in his report for the year 1956-57 regarding:

(a) transferring the quota of reservation in higher posts for Scheduled Castes and Scheduled Tribes and adding it to the next lower posts in the same cadre to the extent such candidates are not available for higher posts; and

(b) extending the concession allowed to Scheduled Castes and Scheduled Tribes candidates in matters of promotion to non-selection posts made

otherwise than through qualifying examination, and promotions to selection posts also?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) The recommendation was fully considered by the Government of India, but they could not accept it in view of the administrative difficulties which would result in the event of giving effect to such a recommendation

So far as the State Governments are concerned, Government of India are not aware of the action taken by them, as the matter is one entirely within their purview

(b) Instructions have issued to Ministries that they should give sympathetic consideration to the claims of Scheduled Castes and Scheduled Tribes and apply relaxed standards in their favour for promotion to selection posts

Mysore High Court

1276 **Shri Siddiah:** Will the Minister of Home Affairs be pleased to state

(a) how many writ petitions and *Habeas Corpus* applications were admitted by the High Court of Mysore in the year 1957-58 and 1958 59 (upto the end of October),

(b) how many have been disposed of and how many are pending, and

(c) in how many cases decision was given against Government?

The Minister of Home Affairs (Pandit G B Pant) (a) to (c) The information is being collected and will be laid on the Table of the Lok Sabha

Central Government Servants

1277. **Shri Goray.**
Shri Jadhav.
Shri Hem Barua

Will the Minister of Home Affairs be pleased to state

(a) the total number of temporary employees, in the various departments of the Government of India who have been serving for more than three years without being declared either quasi-permanent or permanent; and

(b) whether Government have made any rules in regard to laying down a time-limit beyond which Government servants will not have to serve in temporary capacity?

The Minister of State in the Ministry of Home Affairs (Shri Datar). (a) 1,71,194 (excluding employees of Railways) on 1st May, 1957

(b) No

N.C.C in Punjab

* 1278 **Shri Daljit Singh** Will the Minister of Defence be pleased to state

(a) the number of N C C divisions in Punjab as on the 1st October, 1958, and

(b) the number of divisions functioning at present?

The Deputy Minister of Defence (Sardar Majithia) (a) The strength of the N C C in the Punjab as on 1st October, 1958 was 485 officers and 17,901 cadets, as under —

	Officers	Cadets
Senior Division		
Army Wing	143	6,131
Naval Wing	2	60
Air Wing	2	160
Junior Division		
Army Wing	280	9,240
Naval Wing	11	363
Air Wing	14	462
Girls Division		
Senior Wing	18	810
Junior Wing	15	675
TOTAL	485	17,901

(b) There has been no change in the strength of the N C C in Punjab since 1st October, 1958

Himachal Pradesh Police

1279. Shri Daljit Singh: Will the Minister of **Home Affairs** be pleased to state:

(a) the number of persons recruited to the police in Himachal Pradesh in 1957-58 and 1958-59, so far;

(b) the number of Scheduled Castes among them;

(c) whether the quota reserved for them has been filled; and

(d) if not, the reasons thereof?

The Minister of Home Affairs (Pandit G. B. Pant): (a) and (b)

	1957-58	1958-59 (so far)
Total recruitment	172	63
Scheduled Castes	11	5

(c) No

(d) Suitable persons belonging to Scheduled Castes have not been available in spite of the fact that the prescribed physical standards and educational qualifications have been relaxed in their case

Promotion Rules

1280. Shri P. G. Sen: Will the Minister of **Home Affairs** be pleased to state:

(a) whether any rules exist in regard to departmental promotion of Class II and III (Non-Gazetted) officers in the Central Secretariat,

(b) if so, whether a copy thereof will be laid on the Table, and

(c) if reply to part (a) is in the negative, the present mode of promotion of these officers?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) to (c). Class II and Class III (non-Gazetted) posts in the Central Secretariat are generally included in the cadres of the Central Secretariat Service, the Central Secretariat Stenographers' Service and the Central Secretariat Clerical Service. No statutory rules in regard to promotions in these grades have so far been framed, but the provisions in this regard as laid down in the Central Secretariat Service (Reorganisation & Reinforcement) Scheme, the Central Secretariat Stenographers' Service Scheme, and the Central Secretariat Clerical Service Scheme, with such modifications as were found necessary from time to time, have been followed The copies of the Schemes referred to are available in the Library of the Parliament The present position in regard to the rules of promotion in respect of the grades referred to is briefly as follows:—

(1) *Central Secretariat Service*

Assistants are promoted to the next higher grade of Assistant Superintendents (Grade III of the Central Secretariat Service) partly on the basis of seniority subject to fitness and partly on the basis of a departmental competitive examination held by the Union Public Service Commission, the quota of promotions for the seniority group and the departmental examination candidates being **50 : 50**

(2) *Central Secretariat* ***Clerical*** *Service*

Lower Division Clerks are promoted as Upper Division Clerks on the basis of merit with due regard to seniority Upper Division Clerks are promoted as Assistants partly on the basis of seniority subject to the rejection of the unfit and partly on the basis of a departmental competitive examination held by the Union Public Service Commission.

(3) *Central Secretariat Stenographers' Service*

Promotions from Grade III of the Service to Grade II and from Grade II of the Service to Grade I are made by selection on the basis of merit.

12 hrs.

PAPERS LAID ON THE TABLE

ANNUAL REPORT OF MANIPUR STATE BANK LIMITED

The Minister of Revenue and Civil Expenditure (Dr. B. Gopala Reddi): I beg to lay on the Table, under sub-section (1) of Section 639 of the Companies Act, 1956, a copy of each of the following papers:—

(1) Report of the working of Manipur State Bank Limited, Imphal, during the year ended the 31st December, 1957. [*Placed in Library. See* LT-1106/58.]

(2) Directors' Report with Accounts and the Auditor's Report for the year ended the 31st December, 1957. [*Placed in Library. See* No. LT-1107/58.]

(3) Letter No. 525|Rcp.II|2657, dated the 19th July, 1958 from the Director of Commercial Audit, New Delhi to the General Manager, Manipur State Bank Limited, Imphal. [*Placed in Library. See* No. LT-1108/58.]

RULES UNDER SUPPRESSION OF IMMORAL TRAFFIC IN WOMEN AND GIRLS ACT

The Minister of State in the Ministry of Home Affairs (Shri Datar): I beg to lay on the Table, under sub-section (4) of Section 23 of the Suppression of Immoral Traffic in Women and Girls Act, 1956, a copy of each of the following Rules:—

(1) Himachal Pradesh Suppression of Immoral Traffic in Women and Girls Rules, 1957 published in Himachal Pradesh Gazette Notification No. H. 28-242/57, dated the 21st November, 1958 and a corrigendum thereto. [*Placed in Library. See* No. LT-1109/58.]

(2) Suppression of Immoral Traffic in Women and Girls (Delhi) Rules, 1958 published in Delhi Gazette Notification No. F.22-(10)/54-Home, dated the 16th May, 1958. [*Placed in Library. See* No. LT-1110/58.]

(3) Suppression of Immoral Traffic in Women and Girls (Tripura) Rules, 1958, published in Tripura Gazette Notification No. F. 9(6)-PD/57, dated the 18th November, 1958. [*Placed in Library. See* No. LT-1111/58.]

12·02¼ hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

THIRTY-SECOND REPORT

Sardar A. S. Saigal (Janjgir): Sir, I beg to present the Thirty-second Report of the Committee on Private Members' Bills and Resolutions.

12·02½ hrs.

ELECTION TO COMMITTEE

SAMSAD (COURT) OF VISVA BHARATI

The Minister of Education (Dr. K. L. Shrimali): I beg to move:

"That in pursuance of clause (xii) of sub-section (1) of Section 19 of the Visva Bharati Act, 1951, read with clause (5) of Statute 10 of the First Statutes of the University, the Members of Lok Sabha do proceed to elect, in such manner as the Speaker may direct, one more Member from amongst themselves (in addition to a Member of Lok Sabha already elected in May, 1957) to serve as a Member of the Samsad (Court) of the Visva Bharati, subject to the other provisions of the said Act and the Statutes."

I may further inform the House that membership of the Samsad of Visva Bharati does not incur any disqualification for Members of this House.

Mr. Speaker: The question is:

"That in pursuance of clause (xii) of sub-section (1) of Section

19 of the Visva Bharati Act, 1951, read with clause (5) of Statute 10 of the First Statutes of the University, the Members of Lok Sabha do proceed to elect, in such manner as the Speaker may direct, one more Member from amongst themselves (in addition to a Member of Lok Sabha already elected in May, 1957) to serve as a member of the Samsad (Court) of the Visva Bharati, subject to the other provisions of the said Act and the Statutes."

The motion was adopted.

12·02½ hrs.

PHARMACY (AMENDMENT) BILL*

The Minister of Health (Shri Karmarkar): I beg to move for leave to introduce a Bill further to amend the Pharmacy Act, 1948.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Pharmacy Act, 1948."

The motion was adopted.

Shri Karmarkar: I introduce the Bill.

12·03 hrs.

HIMACHAL PRADESH LEGISLATIVE ASSEMBLY (CONSTITUTION AND PROCEEDINGS) VALIDATION BILL—*Contd.*

Mr. Speaker: The House will now proceed with the further consideration of the following motion moved by Shri Datar on the 3rd December, 1958, namely:—

"That the Bill to validate the constitution and proceedings of the Legislative Assembly of the New State of Himachal Pradesh formed under the Himachal Pradesh and Bilaspur (New State) Act, 1954, be taken into consideration."

The time allotted was 3 hours, but we have already taken 3 hours, 17 minutes. For the whole Bill it is three hours, but we have not yet concluded even the general discussion. I will give opportunity to one or two hon. Members on the clauses.

Shri Braj Raj Singh (Firozabad): On the general discussion, we have been discussing only some constitutional matters, matters of procedure, etc.

Shri Narayanankutty Menon (Mukandapuram): It is a Bill in which the clauses are not so important. Almost all the time may be set apart for the general discussion. There is no scope for amendments at all in the Bill.

Mr. Speaker: Both the time for the clauses and the general discussion is over.

Some Hon. Members: Time may be extended.

Mr. Speaker: All right; time will be extended by an hour. I will accommodate two or three Members. They will have 10 minutes each.

Dr. Krishnaswami (Chingleput): Mr. Speaker, the scheme and purpose of the Bill sponsored by the hon. Home Minister I take it is to validate certain enactments passed by the Himachal Pradesh Assembly declared to be not properly constituted and having no legislative authority by the Supreme Court. Even if Parliament approves this measure, even if this is the obvious procedure,—as some suggest,—that would have to be followed, there are certain issues raised by this bill which the House can ill afford to pass over in silence.

I was rather pained to hear the Home Minister declare that Parliament should validate those Bills without even examining their contents. He

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*Published in the Gazette of India Extraordinary, Part II—Section 2, dated 10-12-1958.

[Dr. Krishnaswami]

justified this procedure by declaring that all that the Parliament was called upon to do was to put its seal of validity on a House which was not properly constituted and consequently on the bills passed by it. Whether it is 37 or 74 enactments purported to have been passed by that Assembly seems to be a matter of irrelevance. But is this really the function of Parliament?

Before entering into an argument with my hon. friend, let me dispose of a matter on which it ought not to be difficult to reach agreement. I suggest that a list of the enactments proposed to be validated should be appended to the Bill as a schedule, instead of having an omnibus clause validating all enactments. Why is this necessary? We may know the names of these enactments, we may even be dimly aware of them, but the courts and the people of our land are not in that happy position; they would have to do research in order to find out what has been validated by Parliament. But why are hon. Members insisting on having copies of these Bills? The Bill proposes to validate the constitution and proceedings of the Legislative Assembly of the new State of Himachal Pradesh and thereby to validate all the Bills purported to be passed by that Assembly and assented to by the President.

It cannot be ensured that Bills sought to be so validated were invalid only by reason of the fact that the Legislative Assembly of Himachal Pradesh was not duly constituted. There may be cases where enactments are not valid by reason of the fact of the Legislative Assembly of Himachal Pradesh having exceeded its legislative power conferred by section (21) of the Government of India Part C States Act. Surely, the present Bill cannot give validity to such legislation inasmuch as it is concerned only with curing the defect of the constitution of the present Himachal Pradesh Assembly. These receiver reinforcement by the use of the word "accordingly" in section (3).

When we asked for the copies of the enactments in English, it was to examine the legislative competence of Himachal Pradesh to pass such legislation under section (21) of the Part C Act. Quite apart from this consideration some of the enactments, circulated to hon. Members are in Hindi and are not, therefore, comprehensible to us. Moreover, Article 348(3) of the Constitution enjoins that where the Legislative Assembly of a State has prescribed a language other than English for use in Bills, a translation of the same in English shall be published. This article however applies to the Legislative Assembly of a Part A or Part B State. But *a fortiori* it should apply to Part C States, unless a contrary provision has been made by Parliament under the Part C states act. I, therefore, suggest that it is mandatory on the part of the Home Minister to publish in the *Gazette of India* an authorised version in English, if it has not been already done. Otherwise, these Bills passed in Hindi would be unconstitutional and their validity would be open to attack. Irrespective of constitutional considerations, it ought to be clear to my Hon'ble friend that so long as the vast majority of us from non-Hindi-speaking areas understand and follow proceedings in English, it ought to be in the interests of political and parliamentary harmony that these Bills should be made available in English.

But let us realise that after all has been said these Acts have been passed and acted upon during a period of two years. That is the strongest justification for the Home Minister asking us to validate these Acts. But it is open to us, to repeal any of them, and my object was to examine and bring to the notice of the House whether some of these enactments should not be so repealed. The function of a Legislature, called upon to validate is not

only to see that past actions are validated but also to find out whether the continuance of a particular enactment is necessary or desirable. We have chosen to follow *May's Parliamentary Practice* and I should have thought that the suggestion you made the other day would have been readily accepted by the Government.—the suggestion, that some of these measures be referred to a Select Committee to report on whether some of these measures should be continued or not. But this was not accepted by the Government. However, there can be no reasonable objection to the validation of these Acts for the period for which they have been in force. But it is not proper that Parliament should be stampeded into consenting to their continuance without a proper examination of their contents. That was the reason why many of us pressed the Home Minister and his deputy to place before us copies of these Bills. Indeed, it was our misfortune that the Home Minister was not present here on the first day of the debate. Had he been here, I venture to think—and I am not now trying to play off the Home Minister against the Deputy Minister—I venture to think, being a seasoned parliamentarian, he would have understood the tone and temper of the House and immediately acceded to our request. It is not an issue of the Opposition *versus* Government. It is a case of the rights of Parliament being involved; we ought to be necessarily circumspect in validating enactments; we have to repeal those measures which are not really necessary in the interests of society. I, therefore, once more urge for the consideration of the Home Minister the need for taking us into confidence in all these matters and not flouting the wishes of Parliament.

Pandit Thakur Das Bhargava (Hissar): So far as the question of the constitutional competence of the House is concerned, I have got no hesitation in saying that this House is perfectly competent to enact this piece of legislation. I am not impressed by the arguments given my hon. friend, Shri Bharucha, yesterday that, as a matter of fact, some provisions of the Constitution were contravened by this procedure. Even if they have been contravened, I am inclined to think that this House is perfectly competent to do anything. If we look at article 245 and sub-clause (4) of article 246 we will be convinced of the soundness of this argument because, according to me, this Parliament is fully sovereign and it can do what it likes, subject of course to the Constitution. There is no provision in the Constitution which puts any sort of inhibition, so far as this Parliament is concerned, in regard to the validation of Acts. It is sufficiently provided in the Constitution If this Parliament could not validate anything, I can understand that there will be some constitutional difficulty. But when we look into the powers of Parliament, we find that these powers are absolute. So far as article 245 is concerned, it reads as follows:

> "(1) Subject to the provisions of this Constitution, Parliament may make laws for the whole or any part of the territory of India, and the Legislature of a State may make laws for the whole or any part of the State."

Then article 246(4) reads:

> "Parliament has power to make laws with respect to any matter for any part of the territory of India not included in a State notwithstanding that such matter is a matter enumerated in the State List."

So far as these Lists are concerned, as observed by the hon. Home Minister, so far as this Parliament is concerned, all the three Lists in regard to a territory are concentrated together and we have right to do anything which comes in the Lists. From a persual of them I find that there is nothing to show that our powers are limited in this respect. Then, under article 248, even

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the residuary power is with us. Therefore, this Parliament is competent to enact anything subject to the Constitution. So, unless the Constitution puts an inhibition and says that this Parliament is not competent, I think that we have got absolute right in this matter.

So far as the Constitution is concerned, the Constitution itself has indicated in certain places where the inhibition lies. If in any of these inhibitions we had a clause that, so far as the validation of Acts is concerned, this Parliament will not be competent, I can understand that as a matter of fact Parliament has no powers. For instance, if you kindly look at article 13 in regard to Fundamental Rights you will find it stated that if we enact anything that provision will be void if it is opposed to that article. Even there it does not say that we have no right to enact anything. Even there we have a right to do it. Parliament has got absolute powers in regard to those rights and I will have something to say about it later on. So, unless I find in this List or in the Constitution anything which says that this Parliament's powers are limited to that extent, I will certainly respect no other inhibition.

Then, may I humbly ask the hon. Members who are of the opposite view what other Legislature can validate this law? Is it not absolutely necessary for this House to validate the acts done in the Himachal Pradesh area during these two years? What will happen to the entire budget? The money has been spent. Who will pay it? What will happen? Unless those Acts are validated, nothing more can be done. A wrong done can always be rectified. The illegalities can be legalised and the irregularities can be regularised. Therefore, my humble submission is that, so far as this is concerned, we do realise that they have gone against the Constitution, so far as the particular sections are concerned. The Legislature was not validly constituted and the Speaker and the Deputy Speaker were not rightly elected. All that is there. Therefore, the Supreme Court has held that the Ligislature was not validly constituted.

Here the question is not whether the Legis'ature was validly constituted or not. The only point that we have to consider is whether we can and should validate those enactments. So far as that is concerned, I have not got the least hesitation in coming to the conclusion that this Legislature is perfectly competent. At the same time, my humble submission is that if this Legislature is competent to validate those laws, and we are validating them, is it not our duty, is it not our responsibility and is it not within our province to see that what we validate is right and correct and is not against the provisions of the Constitution? This is a question of propriety. There is no question of constitutional competence. But, in my humble opinion, the question of propriety is there. Whenever we pass any legislation, whenever we do anything, we must see that we do the right thing. If this Parliament is competent to pass such laws as were passed by the Legislature during the period 1954-56, this Legislature can certainly validate what happened there. But, at the same time, is it not our duty to see that we do not contravene the Constitution? For instance, suppose that Legislature went out of its way and enacted measures which are not contained in the State List and trespassed upon the rights of Parliament. Then also we can validate them. We can hold the Legislature went wrong and validate them. So far as validation is concerned, there is absolutely no hesitation in my mind that we are competent to validate. But then the question comes that when we are validating them, should we validate them blind-fold? Should we not go into them and find out for ourselves whether they are fair? It is only fair

that when we validate a legislation we see whether what we are validating is correct or not.

I do understand that this question is not one of judicial competance but one of the rights of this House. The proposition laid by the hon. Home Minister may be practically right in so far as he wants all these Acts to be regularised. We will certainly regularise all these Acts if we do not find anything in it which goes against our grain or which goes against the Constitution. We will certainly validate all these Acts. We have got no other way but to validate them. I can see that. But, at the same time to deny to this House the opportunity to go into the validity of these laws, I would submit the question of propriety is concerned. This is what I feel and I should certainly bring it to the notice of this House.

On previous occasions also when we gave powers to the President to enact laws for such areas where according to article 356 the Government of the day was taken over by the President, even then we enacted that a committee of this House will go into the question, those things came here before us and we went into those things. I may not examine those 37 laws meticulously. But if in those laws there is something which goes directly against the interests of the people—I have been told that so far as this Abolition Act is concerned, there is something which this Parliament, if it had to enact a law like that, will not enact—I do not think we can validate all these measures.

So far as fundamental rights are concerned, it is given in article 32 that the Supreme Court and the High Courts guarantee those rights. It is all right. But at the same time it is the duty of this House also to see that whenever an occasion arises, no statute which we are going to validate is against the Constitution. I should therefore think that even in regard to this Abolition Act, the Supreme Court has not its functions there. It can validate or invalidate it. At the same time whenever a question arises before us, if we are to validate any of the laws passed by any State Legislature, it is our duty also to see that we do not trespass the provisions of article 13 nor do we go against the directive principles. We do not want to validate laws which are void. This will be wrong legislation on the part of Parliament, i.e., to validate something which we know to be void. Therefore, my humble submission is that we are quite competent to go into the question of this Abolition of Big Landed Estates Act which was passed by the Himachal Pradesh Legislature. It is our duty to see that every Act passed by that legislature is good if we are going to validate them, not because like the Supreme Court there is no higher legislature.

Suppose, a State Government goes wrong and passes something, Then, the remedy lies somewhere else and not with this House. But this is not the question here. The question here is that when we are validating a law, it means that we are giving our sanction. If again this thing goes to the Supreme Court and the other party argues that the Parliament also went through the laws and put the seal of its validation so far as this legislation is concerned and therefore this law has become more sacrosanct. It is not that, the Supreme Court will not be able even to set it right. But at the same time when I am looking into this question and when I am validating these laws, it is my duty to also see that nothing is done by virtue of these laws which this Parliament would not have done if it wanted to make that law. Therefore from that point of view I think that this is a denial of the rights of this Parliament.

Sir, you made a suggestion the other day. It was a very practical suggestion and I congratulated you there and

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then. It was a very good suggestion that the hon. Home Minister would have sat with us and given one or two hours we would have passed those laws. I start with the presumption that there is nothing serious in those laws which is against the Constitution. I go with this presumption. After all this was not a validly constituted legislature. But all the same it consisted of 41 members who went through everything and they must not have done any wrong thing. Then again, I find that the President also assented to these laws. So, my presumption is that probably we will not find anything serious in it. But at the same time with a view to see that the Parliament is not denied its rights to go through the laws and find for itself whether these laws should be validated or not and if I, as a Member, have to validate these things I must see that I validate a thing that is not void and which I would not pass in this House.

The hon. Deputy-Speaker, while interpreting your ruling the other day, said that every hon. Member has to decide for himself whether this law is such that he should give his vote for it or whether this should be enacted or not. If that is so, I should like to go through those Acts and find out myself that whatever I do is correct. If you do not allow me to do this and ask me to pass this law blindfold, without going into these questions, I feel I should not be led blind-fold by any person in this House or by the Parliament. I say it is my duty. I know there is probably no flaw in these Acts. In two hours' time we would pass them. But to say that we are not allowed to go into them is not right. I should say the logical effect is that if we validate that that legislature was quite competent and accordingly it follows. That 'accordingly' is there in this bill. You do not come here only to say that it is declared that it shall be deemed to have been validly constituted legislature. You further want to say that these Acts passed there are to have the force of law and we should put our seal on them. If you want that, then I am not going to be a party to validate any law unless I am satisfied that the law is good and does not offend the Constitution in matters other than pointed out by the Supreme Court or even if it offends the Constitution it does not offend it in such a way that the Supreme Court or any court may further say that it does not agree in the matter of validity in regard to article 13 or any other article.

After all, it is a question of propriety and not a question of competence. I submit with all the force at my command that this may be regarded as a precedent for the future. We may be asked to pass laws which we cannot pass. We cannot see whether a law is good or not. Therefore for the vindication of the right of the Parliament to go into the question I would respectfully ask the hon. Home Minister to consider the question from this standpoint and let us have a look at those laws. We want to see that the laws are even put right. It will not take more than two hours. I do not want that this Bill should be delayed for a minute. After all, it has to be passed in the other legislature also and we want to finish it. But at the same time to say that we should not go into them is rather too much. Therefore, it is not a question of Constitutional competence but a question of propriety of passing a law the contents of which we are asked not to look into.

श्री ब्रजराज सिंह : अध्यक्ष महोदय, इस संसद को उन कानूनों को पास करने का अधिकार है या नहीं जिन में से एक को सुप्रीम कोर्ट ने इस आधार पर अवैध घोषित कर दिया है कि जिस असेम्बली ने इसको पास किया वह ठीक ढंग से नहीं बनी थी इस बात पर मैं निश्चित रूप से नहीं जाना चाहता, यद्यपि मैं

महसूस करता हूं कि जहां तक संसद के अधिकार का सवाल है, उसके अधिकार बहुत ही विस्तृत हैं और वह आज भी और कल भी जो बात हो चुकी है उस के सम्बन्ध में जो चाहे कर सकती है। लेकिन सवाल केवल इतना ही नही है कि ससद को जो अधिकार हैं वे विस्तृत हैं या नही या संस जो चाहे कर सकती है, सवाल यह भी है कि इस तरह का कानून पास कर के, जिस को कि हम पास करने जा रहे हैं, हम कुछ गलत परम्पराऐं तो नही डाल रहे हैं ? ३७ कानून थे जो उस असेम्बली ने पास किये और उस को कानूनी तौर पर इनको पास करने का हक नही था। उस असेम्बली का जिसका कि अस्तित्व ही नहीं था हम अस्तित्व कायम करने जा रहे हैं। उस के अस्तित्व में ही सुप्रीम कोर्ट ने शंका व्यक्त की है।

३७ कानूनों में से मैं मानता हूं कि बहुत से कानून ऐसे थे जो काफी प्रगतिशील रहे होंगे। लेकिन जिस विशेष कानून को सुप्रीम कोर्ट ने गैर-कानूनी घोषित किया यदि उस को आप देखें तो पता चलेगा कि १९५४ और १९५५ के दो सालों में ही उस असेम्बली ने तीन बार उस कानून को आमेंड किया। हिमाचल प्रदेश एबालिशन आफ बिग लैंड एस्टेटस एंड लैंड रिफार्म्स एक्ट पहले १९५४ में पास हुआ और उस के बाद उस का १९५५ में संशोधन हुआ इस के बाद दसवें कानून में जा कर संशोधन किया गया। इस से अंदाजा लगाया जा सकता है कि यह कानून कितना विवादास्पद रहा होगा जब इतनी शीघ्रता से किसी कानून में संशोधन किये जाते हैं तो सहज ही अंदाजा लगाया जा सकता है कि वह बहुत ही विवादास्पद कानून होगा।

यहां पर यह कहा गया है कि हिमाचल प्रदेश की असेम्बली ने जो कानून पास किये हैं या जो प्रस्ताव पास किये हैं उन की कानूनी शक्ल देने का हमारे पास कोई दूसरा रास्ता ही कौन सा है सिवाय इस के कि जो असेम्बली अस्तित्व में नही उस का अस्तित्व आज पैदा कर दें। इस के अलावा दूसरा रास्ता यह है कि जितने कानून वहां पास किये गये हैं उस असेम्बली के द्वारा उन को सब हम यहां देख लें और देखने के बाद उन को पास कर दें फिर से। मैं कहना चाहता हूं कि इस रास्ते के बजाय अगर वह रास्ता अख्त्यार किया गया होता कि पूरे ३७ कानूनों पर हम विचार करते और उस में अगर कोई बात रही होती जो कि संसद के लिये पास करनी उचित थी या उस में कोई संशोधन करना उचित था, तो उसे हम करते, तो मैं समझता हूं कि कोई विशेष नुकसान नहीं होता। अब इस समस्या को संसद के अलावा और कोई सुलझा नहीं सकता है। किसी दूसरे को इस के बारे में कोई अधिकार नहीं है। यह संसद सार्वभौम संसद है, सर्वशक्तिमान है, जो चाहे कर सकती है। इन सब बातों को मानते हुए मैं कहना चाहता हूं कि यह काम कर के हम गलत परम्परायें डाल रहे हैं। अगर इन ३७ कानूनों पर फिर से विचार कर के और अगर जरूरत होती तो उन में सशोधन कर के उन को यहां पास किया जाता तो कोई गलत परम्परा नही पड़ती।

मैं आप के सुझाव का बहुत ही स्वागत करता अगर स्वयं माननीय गृह मंत्री महोदय ने उसे स्वीकार कर लिया होता और इस में मैं समझता हूं ज्यादा वक्त भी नहीं लगता। हम में से किसी की भी यह इच्छा नहीं है कि इस तरह के प्रगतिशील कानून को जिस को कि सुप्रीम कोर्ट ने अपनी जजमेंट के द्वारा गैर-कानूनी घोषित कर दिया है उस को अमल में न लाया जाये, हम तो चाहते हैं कि उस को जल्दी से जल्दी अमल में लाया जाये। हमारी इच्छा यह भी है कि कहीं संसद इन कानूनों को तथा इस असेम्बली की प्रोसीडिंग्स को कानूनी अस्तित्व दे कर जो कानून सुप्रीम कोर्ट के सामने हैं उस में कहीं पर कोई कमी न रह गई हो, इस को भी देखा जाए। कोई कमी रह जाने वाली जो बात है यह सब से बड़ा खतरा है।

[श्री ब्रजराज सिंह]

सुप्रीम कोर्ट ने इस सम्बन्ध में जो अपना जजमेंट दिया है, उस में उन्हों ने सिर्फ एक ही पहलू इस प्रश्न का लिया और वह पहलू यह था कि आया हिमाचल प्रदेश की असेम्बली को कानूनी तौर से स तरह के कानून बनाने का अधिकार था कि नहीं । सुप्रीम कोर्ट ने यह निर्णय दिया कि जब उस का अस्तित्व ही नहीं था तो इस तरह के कानून बनाने का अधिकार भी नहीं हो सकता था । सुप्रीम कोर्ट जहां तक कि उस के कानूनी पहलू का सवाल था उस में गया और उन्हों ने उक्त निर्णय दिया कि उन को इस तरह के कानून बनाने का अधिकार नहीं था । गृह-मंत्री महोदय से मेरा निवेदन है कि वे इस खतरे की तरफ ध्यान दें क्योंकि हो सकता है कि आज संसद् के सामने हिमाचल प्रदेश की असेम्बली की कार्यवाहियों को कानूनी अस्तित्व देने के लिए जो बिल रखा गया है, संसद द्वारा यह बिल पास करने के बाद फिर सुप्रीम कोर्ट में उस की मैरिटस का सवाल उठेगा कि कहीं यह किसी के फंडामेंटल राइटस का तो हनन नहीं करता है, मौलिक अधिकारों का हनन तो नहीं करता है । हिमाचल प्रदेश को असेम्बली ने डेढ़ साल के अन्दर तीन संशो न किये हैं । हो सकता है कि उस में इस तरीके की बात हो कि जिस की बिना पर सुप्रीम कोट उस को गैर कानूनी घोषित कर दे । अब सुप्रीम कोर्ट अगर फिर गैर-कानूनी ठहरा देता है तो हमें देखना पड़ेगा कि यह जो खतरा इस में मौजूद है उस का कैसे सामना किया जाय । अगर सुप्रीम कोर्ट उस को फिर गैर-काननी ठहरा देता है तो इस को अमल में आने में फिर दो, तीन साल की देर होती है और जिस उद्देश्य से यह कानन बना था, खास तौर से लैंड रिफार्म्स और इसी तरह की अन्य चीजें जो कि कृषि से सम्बन्ध रखती हैं और जिन को कि हम ने अपनी नीति के रूप में माना हुआ है, उन को हम फिर अमल में नहीं ला सकेंगे। इसलिये हमें यह देखना होगा कि हम इस संसद् में जो हिमाचल प्रदेश की असेम्बली के अस्तित्व को फिर कायम कर रहे हैं, अगर इस तरीके की इस में गलती फिर रह जाती है जिस से कि फिर इस में रुकावट पड़ जाती है और उस में देर होती है तो हम भूमि सुधार के अपने उद्देश्य को अमल में नहीं ला सकेंगे । अगर ऐसा होता है तो मैं समझता हूं कि हम उस जनता के साथ बहुत ही अन्याय करेंगे जिस जनता के लिये यह कानून बना रहे हैं ।

खाली यही एक सवाल नहीं है बल्कि एक दूसरा औचित्य का सवाल है और वह यह है कि जब यह कानून बनाया गया तो हिमाचल प्रदेश की जो नई असेम्बली बनी उस में ४१ सदस्य होने थे, ३६ पुराने हिमाचल प्रदेश के होने थे और ५ मेम्बर पुराने बिलासपुर के होने थे लेकिन इस कानून के बनाते वक्त उन ५ आदमियों का चुनाव ही नहीं हुआ, उन का असितत्व ही नहीं था । अब चूंकि कानून को पुराने बिलासपुर पर भी लागू किया जाता है तो मैं कहना चाहता हूं कि कहीं सुप्रीम कोर्ट इस को इस बिना पर गैर कानूनी न ठहरा दे कि चूंकि बिलासपुर का उस में प्रतिनिधित्व नहीं था, बिलासपुर के प्रतिनिधियों को असेम्बली में बैठने का मौका नहीं मिला, मैं उस में नहीं जाना चाहता कि उस में उन्हों ने ओथ नहीं ली, वह भी एक कमी है, तो यह खतरा उस में अब भी मौजूद है । आखिर हम सब का उद्देश्य यह है कि जो हमारी नीति है और एक लैंड सुधार का काम है वह पूरा हो । मैं यह तो मानता हूं कि अगर हम इस बिल को संसद् में पास कर देते हैं और वह सुप्रीम कोर्ट के द्वारा गैर कानूनी घोषित न किया जाये तो हम अपनी नीति को अमली रूप देने में कामयाब हो सकेंगे और तब हमारा उद्देश्य पूरा हो सकेगा

लेकिन कहीं ऐसा न हो कि जिस उद्देश्य को हम पूरा करना चाहते हैं, उस उद्देश्य का सुप्रीम कोर्ट के प्रतिकूल निर्णय द्वारा हनन हो जाये क्योंकि वे ५ व्यक्ति जो कि बिलासपुर से चुने जाने थे उन को उस असेम्बली में प्रतिनिधित्व नहीं मिला, उस का चुनाव नहीं हुआ था और उन का बिना चुनाव हुए ही ३६ आदमियों ने बिलासपुर के लिये भी कानून बना दिया, उस में भी कानून लागू होता है। मै निवेदन करना चाहता हूं कि यह एक ऐसी गलती हो सकती है कि जिस पर सुप्रीम कोर्ट फिर इसे अवैध घोषित कर दे। पुराने हिमाचल प्रदेश पर यह लैंड रिफार्म्स का कानून लागू हो सकता है लेकिन पुराना बिलासपुर जो कि हिमाचल प्रदेश में विलय हुआ उस पर यह लागू नहीं होगा। आज हमें देखना यह है कि कही कोई इस तरीके की कोई गलती न रह जाय जिस की कि वजह से जिस उद्देश्य को हम पूरा करना चाहते हैं और जिस कानून को सुप्रीम कोट ने गैर-कानूनी घोषित किया और जिस को कि हम कानूनी शक्ल देना चाहते है, उस को वाकई कानूनी शक्ल मिल सके और फिर कोई उस के रास्ते मे रुकावट न आ जाये।

मै गृह मंत्री महोदय से अनुरोध करूंगा कि वे अब भी इसमें अगर कोई गबर रह गई हो जिससे कि किसी के मौलिक अधिकारों का हनन होता हो, तो बजाय इस के कि फिर यह सुप्रीम कोर्ट द्वारा अवैध करार दे दिया जाय, बेहतर यह होगा कि इस पर एक दो दिन का समय लगा दिया जाय और मेरा सुझाव है कि इन सब कानूनों को इस हाउस की एक छोटी सी सेलेक्ट कमेटी के सुपुर्द किया जा सकता है और उन पर विचार किया जा सकता है और उन में अगर कोई गलती रह गई हो तो उस को दुरुस्त किया जा सकता है। मेरा निवेदन है कि ऐसा करने में कोई प्रतिष्ठा का सवाल नहीं उठना चाहिये। मैं विश्वास दिलाना चाहता हूं कि हम लोग भी ऐसा मानते हैं कि हिमाचल प्रदेश ऐबालिशन आफ बिग लैंड इस्टेट्स एंड लैंड रिफार्म्स ऐक्ट एक प्रगतिशील कानुन है और उस के गैर कानूनी घोशित होने से वहां की जनता को नुकसान होगा हम उसमें उसी के साथ हैं और हम भी चाहते हैं कि उस पर जल्दी से जल्दी अमल हो। लेकिन सवाल यह है कि अगर कही पर कोई गलती रह जाती है जिससे कि उस के रास्ते में रुकावट पड़े और उस का पालन न होने पाये, तो बेहतर यह होगा कि हम अभी ही आपस में बैठ कर उस पर पूरी तरह से विचार कर लें और उस गलती को सुधार लें। अगर इस काम में एक आध दिन का समय लगता है तो यह कोई देर नही है क्योंकि सुप्रीम कोर्ट द्वारा अवैध ठहरा दिये जाने से तो बहुत काफी देर लग जायेगी। इसलिये मैं निवेदन करूंगा कि इस पर पुनर्विचार किया जाये।

कल गृह मंत्री महोदय ने हमें बताया कि उन्हों ने इस विषय में एटार्नी जनरल की राय ले ली है और उन का मत है कि ऐसी कोई ग़ैर क़ानूनी क़रार दिये जाने वाली बात नही होने वाली है। उन का ऐसा मत हो सकता है लेकिन हमारे गले के नीचे तो यह बात नहीं उतरती है और हमें तो आशंका है कि यह खतरा हो सकता है कि सुप्रीम कोर्ट में यह मामला फिर आने से उस में देरी हो सकती है और इस क़ानून का किसानों की भलाई करने का जो उद्देश्य है उस के पूरा होने में रुकावट पड़ेगी और इसी दृष्टिकोण को लेते हुए मै इस का विरोध कर रहा हूं और चाहता हूं कि इस पर इसी निगाह से सोचा जाय और इस तरह की कोई गलती कर के हम भविष्य के लिये कोई ऐसी गलत परम्परा न डालें क्योंकि आखिर हम इस देश में जनतंत्र का विकास कर

[श्री बजराज सिंह]

रहे हैं और संसदीय संस्थाओं की परम्परा का विकास कर रहे हैं। लोगों को हम ऐसा कहने का अवसर न दें कि जिस का कि अस्तित्व नहीं था, जिस का कि कभी जन्म भी नहीं हुआ था, उस असेम्बली को हम ने जीने दिया। इन शब्दों के साथ मैं गृह मंत्री से यह अनुरोध करना चाहता हूं कि वह इस पर पुनर्विचार करें कि क्या इस बिल के पास करने में दो तीन दिन की देरी कर के और उन पर पुनर्विचार कर के, हम आगे के खतरे को जोकि हमें पेश आ सकता है, दूर नहीं कर सकते हैं।

श्री हेम राज (कांगड़ा) : अध्यक्ष महोदय, हिमाचल प्रदेश की विधान सभा के क़ानूनों को या उस की कार्यवाही को वैधानिक क़रार देने के लिये जो यह बिल लाया गया है, उस के मुताल्लिक़ बहुत सारी राय यहां पर पेश की गई है। जितने भी माननीय सदस्यों ने इस की बहस में हिस्सा लिया है और अपने अपने विचार प्रकट किये हैं, सब के सब यह चाहते हैं कि यह बिल पास हो जाय लेकिन वे यह समझते हैं कि इस में कुछ वैधानिक अड़चनें हैं जिन की कि वजह से उन को आशंका है कि इस बिल के अमल में आने में फिर रुकावट पड़ सकती है।

इस सम्बन्ध में मैं यह कहना चाहता हूं कि हाउस के सामने इस वक्त जो बिल पेश है, उस में जैसे कि हमारे माननीय गृह मंत्री ने अपनी तकरीर में फरमाया था महज़ बिल्स का ही सवाल नहीं है बल्कि उस में तो उस असेम्बली ने जितनी भी कार्यवाही की है, बिल्स की सूरत में की है चाहे रेज़ोल्यूशन्स की सूरत में की है चाहे पैसे रुपये की जांच करने की सूरत में की है या जो स्पीकर या डिप्टी स्पीकर के एलेक्शन की सूरत में की है, उस सब कार्यवाही को वैधानिक रूप देने के लिये यह बिल पेश किया गया है और जब यह चीज है तो मैं समझता हूं कि इस वक्त हमारे सामने जो यह सवाल रखा जाता है कि वह सारे बिल्स हमारे सामने लाये जायें, मैं समझता हूं कि उसके लिए कोई ठोस आर्गुमेंट नहीं है।

पंडित ठाकुर दास भार्गव ने यह उज्र उठाया कि चूंकि वह बिल्स हमारे सामने नहीं लाये गये तो हो सकता है कि वह स्टेट लिस्ट नम्बर १ और ३ में न हों। लेकिन मेरा कहना है कि जो बिल्स की लिस्ट दी हुई है उस लिस्ट को पढ़ने से यह पता चलता है कि यह जो ३७ कानून बनाये गये हैं, सब में से कोई भी ऐसा कानून नहीं है कि जो स्टेट लिस्ट नम्बर १ और ३ के बाहर जाता हो। अगर यह बात है तो फिर यह उज्र करना कि यह जो कानून है, वे उन स्टेट लिस्टों से बाहर है, मैं समझता हूं कि यह जायज़ नहीं है।

दूसरा सवाल यह है कि इस वक्त सुप्रीम कोर्ट ने जो एक सवाल उठाया है कि चूंकि उस वक्त की जो असेम्बली थी वह जायज़ नहीं थी, जायज तौर पर नहीं बनी थी तो उस के लिये मेरा कहना है कि उस वक्त जब हिमाचल प्रदेश और बिलासपुर को मिला कर हिमाचल प्रदेश और बिलासपुर की एक नई स्टेट बनाने का बिल पास हुआ था तो उस में क्लाज १६ में बड़े साफ़ तौर पर यह लिख दिया गया था :

"The period of five years referred to in section 5 of the Government of Part C States Act, 1951 shall, in the case of the Legislative Assembly of the new State, be deemed to have commenced on the date on which the said period in the case of the Legislative Assembly of the existing State of Himachal Pradesh actually commenced.

तो यह बात थी कि वह असेम्बली पांच साल लगातार चलती थी। जो इस संसद् ने ऐक्ट बनाया था उस में कहीं भी यह प्रावीजन नहीं किया है कि जो पहली असेम्बली थी वह उस वक्त से डिजाल्व समझी जायेगी जिस वक्त से ये मेम्बर चुने जायेंगे। तो इस का यही मतलब लगाया जा सकता है कि सेक्शन १५ के मुताबिक जो ३६ मेम्बर चुने गये वह सारी कार्रवाई कर सकते थे। उस के लिये मे एक मिसाल देना चाहता हू। सेक्शन ७३ रिप्रेज़ेंटेशन आफ पीपिल्स ऐक्ट के मुताबिक जब यह पार्लियामेंट बनती है तो यही समझा जाता है कि सारी कांस्टीट्यूएंसीज के मेम्बर आ जाने चाहियें। लेकिन जब यह पार्लियामेंट बनी तो हमारे हिमाचल कागडा के पहाडी प्रदेश के ६ मेम्बर नही आ सके थे। पर फिर भी यहा पर स्पीकर का चुनाव हुआ, डिप्टी स्पीकर का चुनाव हुआ और प्रेसीडेंट का चुनाव हुआ हालाकि पहाडी इलाके के ६ मेम्बर उस वक्त मौजूद नही थे। इसी तरह से सेक्शन १५ और १६ के तहत यह व्यवस्था की गई थी कि वह जो ३६ मेम्बर, गोकि उन को इलेक्ट नही किया गया, वह तसव्वुर में आ जायेंगे। इस लिहाज से जो दूसरा हाउस बना उस के वह जायज तौर पर मेम्बर थे। सुप्रीम कोर्ट का जो फैसला हुआ उस के बारे में हम कुछ नही कर सकते। लेकिन इस वक्त जो हम को फैसला यहां देना है वह यह नही है कि यह जो बिल बनाये गये और जो कार्रवाई की गई वह जायज थी या नाजायज थी। यहा पर तो यही सवाल है कि वहा पर जो असेम्बली बनी थी उस में कुछ खामी रह गई थी उस को दुरुस्त कर दिया जाये। मै मिसाल के तौर पर कहूं कि एक घर बनने के बाद अगर यह महसूस होता है कि इस में कही कमजोरी रह गई है तो उस जगह सपोर्ट दी जाती है, इसी तरह यहां पर भी सपोर्ट देने का सवाल है। यहा पर यही सवाल है कि वह जो हाउस बना उस में कुछ खामी रह गई और उस को सपोर्ट दिया जाये, ताकि उस ने जो स्पीकर और डिप्टी स्पीकर का चुनाव किया था जो और कार्रवाई की वह जायज समझी जा सके। एक नोटीफिकेशन न छपने की वजह से वह असेम्बली लंगड़ी सी रह जाती है इसलिये उस को सपोर्ट देने की जरूरत है। और आज यह पार्लियामेंट वह सपोर्ट देने की अवस्था में है। इस पार्लियामेंट को जो अख्तियारात मिले हुए हैं उन के जरिये से वहां पर जो खामी रह गई थी उस को यह पूरा कर सकती है। और इस बात को तो हमारे पंडित ठाकुर दास जी भार्गव भी, जोकि हमारे बहुत पुराने मेम्बर हैं, मानते हैं कि हमारे संविधान में ऐसी कोई चीज नही है कि जो यह कहती हो कि हम इस बात को कर नही सकते या करने के काबिल नहीं हैं। और अगर हम यह करने के काबिल हैं तो यह कहने का इस वक्त कोई सरोकार नही है कि हम उन बिलों को देखना चाहते हैं, हम उन ऐक्ट्स को देखना चाहते हैं और जानना चाहते हैं कि वे लिस्ट १ या ३ में आते हैं या नही। इस वक्त तो हमें यही सरोकार है कि उस वक्त उस असेम्बली ने जो कार्रवाई की उस को वैधानिक करार दे दें। इसलिये मै समझता हूं कि इस हाउस को इस वक्त यही एक तरीका अख्तियार करना चाहिए जिससे कि जो कार्रवाई उस वक्त हिमाचल प्रदेश असेम्बली ने की थी उस को जायज करार दे दिया जाये ताकि जो प्रोग्रेसिव लेजिस्लेशन उस वक्त उस असेम्बली ने पास किया वह कायम रह जाये।

आप के यहां पर जो मंडी से सदस्य आये है उन्हों ने भी सोशलिस्ट पैटर्न आफ सोसाइटी की हिमायत की है। इस संसद् के जो सारे मेम्बरान हैं जहां मैं उन की मजमूई लियाकत को सपोर्ट करता हूं उस के साथ ही मैं यह भी कहना चाहता हूं कि जो असली हालात थे हिमाचल प्रदेश के उन को मैं और आप उतनी अच्छी तरह से नही जान सकते जितनी अच्छी तरह से कि वहां के लोगों द्वारा चुने वह मेम्बर जान

[श्री हेम राज]

सकते थे जो कि हिमाचल प्रदेश की असेम्बली में थे । इसलिये उन्हों ने जो कानून बनाये थे वहां के हालात को जज करते हुए बनाये थे । अब अगर उन कानूनों के बारे में हम यह कहें कि वे पूरे तौर पर ठीक नहीं उतरते तो यह वाजब नहीं होगा । हम को तो यह मानना चाहिये कि उन जनता के चुने हुए नुमायन्दों ने जो चीज बनाई है वह वहां के हालात के मुताबिक बनाई है और इस बात को तसलीम करते हुए हमें उन कानूनों को वाजब करार देने में कोई हिचकचाहट नहीं होनी चाहिये ।

एक बात मैं ने आप से कही है कि हमारे बेंची के जो सदस्य हैं वह भी कहते थे कि हम सोशलिस्ट पैटर्न की सोसाइटी चाहते हैं । लेकिन मैं आप को बतलाना चाहता हूं कि अगर ये कानून न हों तो वहां पर किस तरह का पैटर्न होगा । इन कानूनों के बनने के पहले वहां पर राजाओं का राज था और राजा लोग ही सारी जमीन के मालिक होते थे । वे लोग जिस को मरजी होती थी जमीन का पट्टा देते थे और जिससे चाहते थे पट्टा छीन लेते थे । क्या आप यह चाहते हैं कि वहां पर फिर यह पैटर्न चालू हो जावें जिस में हम बड़े जमींदारों और राजाओं के रहम पर गरीब जनता को छोड़ दें । जिस सोशलिस्ट पैटर्न का जिक्र राजा साहब ने किया था उस के अन्दर राजा लोग जनता से बेगार लिया करते थे । चाहे जिस से वह अपना काम बेगार में ले सकते थे । इन हालात में क्या आप यह समझते हैं कि जो प्रोग्रेसिव लेजिस्लेशन वहां पर बना वह ठीक नहीं है । वे तो उस पैटर्न की सोशलिस्टिक सोसाइटी के हिमायती हैं जिस में वह बेगार ले सकें, चाहे जिस की जमीन को अपने पास रख सकें । लेकिन हिमाचल प्रदेश असेम्बली ने जो कानून बनाये उनसे जो जिमीनें राजाओं के पास थी वह गरीब जनता के पास आ गई जिसके पास जमीन नहीं थी ।

फिर यह सवाल उठाया गया कि अगर हम ने इस कानून को पास कर दिया तो फिर सुप्रीम कोर्ट में उन कानूनों को रद्द कर दिया जा सकता है । उस के मुताल्लिक तो मैं यह कहना चाहता हूं कि फर्ज कीजिये कि आप एक कमेटी बनाते हैं और फिर उन कानूनों को देखते हैं, तो क्या यह जरूरी है कि वे कानून फुल प्रूफ हो जायेंगे और फिर उनको सुप्रीम कोर्ट में चैलेंज नहीं किया जा सकेगा । सुप्रीम कोर्ट में किसी कानून को चैलेंज करने का हक तो हर वक्त रहेगा । इसलिये मेरा कहना है कि इसी सूरत में इस कानून को पास कर देना चाहिए । यही वाजबी चीज है । यही वाजबी चीज है कि इस बिल को जिस सूरत में हमारे गृहमंत्री जी लाये हैं उसी सूरत में हम पास कर दें ताकि वहां की गरीब जनता को जो राहत मिली हुई है वह कायम रहे और पिछले दिनों में उन्हें जो सहूलियतें मिली हैं उन से वे पूरा फायदा उठा सकें ।

इन शब्दों के साथ मैं इस बिल की हिमायत करता हूं और मैं समझता हूं कि हमारा यह संसद् इस को पास कर देगा ।

12·49 hrs.

चौ० रणबीर सिंह (रोहतक) : अध्यक्ष महोदय, मैं नहीं समझता कि इस सादे से कानून के मसौदे को इस सदन के वकीलों ने इतना पेचीदा क्यों बना दिया । माननीय गृहमंत्री महोदय ने बताया था कि यह एक सादा सा कानून का मसौदा है । एक मामूली सी त्रुटि है जिसको दूर करने के लिये यह विधेयक सदन के सामने रखा गया है । चूंकि एक नोटीफिकेशन जारी नहीं हो सका इस वजह से एक टेकनिकल ग्राउण्ड के ऊपर जो दो साल में हिमाचल प्रदेश असेम्बली ने कार्रवाई की है वह रद्द हो रही है । वह हाउस लोगों के चुने हुए नुमायन्दों का था, उन्होंने जो कानून बनाये थे उनको रद्दी की टोकरी में डाला जा रहा है । तो इस टेकनिकल डिफैक्ट को दूर करने का यह [illegible] का [illegible] है ।

भरूचा साहब ने इस में कई एक वैधानिक आपत्तियां उठाई । लेकिन मैं नहीं समझता कि इस में कोई ऐसी बात है, जो कि हमारे रास्ते में आ जाती है । उन्होंने यह डर भी दिखाया कि यह हो सकता है कि सुप्रीम कोर्ट इस कानून को अवैधानिक करार दे दे । मैं समझता हूं कि वह डर तो हमेशा हर एक कानून के बारे में हमारे सिर पर रहता है । अगर उस डर का हमें हमेशा ध्यान रहेगा, तो शायद हम एक कदम भी नहीं चल सकते । इस देश में संविधान के साथ जो शिड्यूल में भूमि सुधार कानून रखे गये हैं, उनसे जाहिर होता है कि इस बारे में कितना डर महसूस किया जाता है । हमारे लायक दोस्त वकील साहबान रहेंगे और गरीबों के बजाय अमीरों की तरफ ज्यादा देखेंगे, तो वह डर ज्यादा रहेगा । उस डर से न डरते हुए हमें आगे बढ़ना है ।

भूमि-सुधार कानून के जो अच्छे गुण हैं, उन से श्री ब्रजराज सिंह सहमत हैं, लेकिन मेरी समझ में नहीं आता कि वह इस सिलसिले में एक ऐसे रास्ते से क्यों चलना चाहते हैं, जिससे देरी हो । मैं यह भी अर्ज करना चाहता हूं कि ये कानून लागू हो चुके हैं । एक आध केस में शायद स्टे आर्डर मिला हो, या न मिला हो, उसका हमें पता नहीं है । हमें यह देखना है कि यहां पर कानून चालू करने का सवाल नहीं है, बल्कि चालू हुए कानूनों को रखने का सवाल है ।

इसके बाद पंडित ठाकुर दास भार्गव और दूसरे दोस्तों ने यह सवाल भी उठाया कि उस असेम्बली ने जो ३६, ३७ कानून बनाए, जिनका कि यहां पर सवाल है, वे सही हैं या गलत हैं । इस सिलसिले में मैं यह कहना चाहता हूं कि इस सदन के पांच सौ मैम्बरों और दूसरे हाउस के ढाई सौ मैम्बरों—कुल मिला कर साढ़े सात सौ मैम्बरों—को हर वक्त यह अख्तियार है कि वे जब चाहें किसी भी गलत कानून को रिपील करने का नोटिस दे सकते हैं । इस वक्त ऐसी कोई विपत्ति नहीं है कि हम इसी वक्त देखें कि ये कानून सही हैं या गलत । इस दो क्लाज के बिल को पास करने में हम को कई घंटे लग रहे हैं । अगर उन ३७ कानूनों को हमने देखना शुरू कर दिया और उन के बारे में बहस शुरू कर दी, तो यह सदन शायद और कोई काम न कर सकेगा । स्टेट लिस्ट के कानून बड़े पेचीदा होते हैं और उनकी हर बात के बारे में कई ख्यालात होते हैं । इसलिये उसमें बहुत देर लग जाने का अन्देशा है ।

12.53 hrs.

[PANDIT THAKUR DAS BHARGAVA *in the Chair.*]

इस बारे में औचित्य और संसदीय प्रणाली का भी जिक्र किया गया है । मैं नहीं समझता कि यहां पर कोई खराब प्रणाली चलाई जा रही है । यह प्रणाली ऐसी नहीं है, जिस पर इतनी आपत्ति जाहिर की जाये । यह कोई नई बात नहीं है । मैं समझता हूं कि हमें इस कानून को पास कर देना चाहिये।

Shri Jaganatha Rao (Koraput): This measure seeks to validate certain enactments passed by the Himachal Pradesh Legislative Assembly, one of which was held by the Supreme Court to be invalid on the ground that the Legislative Assembly was not properly constituted. Parliament has got absolute power and competence to pass laws in respect of Himachal Pradesh which is a Union Territory. You were also pleased to observe a few minutes ago that article 245 of the Constitution empowers Parliament to pass any law in respect of this Territory. Article 246(4) also gives Parliament power to pass laws in respect of Union Territories. It is an absolute power. So also article 248(2) which gives the power to legislate which also includes the power to impose any tax not mentioned in either of those Lists. Item 97 of List One also gives the residuary power to Parliament.

Several objections have been raised. I will try and answer some of them. My hon. friend, Shri Naushir Bharucha, raised a fundamental objection that the Himachal Pradesh Assembly being a State legislature, certain formalities

[Shri Jaganatha Rao]

have to be observed. He presumably lost sight of the fact that Part VI, Chapter III of the Constitution does not apply to Union Territories. Himachal Pradesh is a Territory and not a State. So, many of the objections that he raised under various articles of the Constitution do not stand scrutiny.

My hon. friend, Shri V. P. Nayar, raised the question of article 20 of the Constitution. My submission is that we are not creating a new law under which we want to punish offenders. The article only says:

> "No person shall be convicted of any offence except for violation of a law in force at the time of the commission of the act......".

There was a law at the time the offence was committed. It may be that the law was not a valid law. We are not by this law creating a new offence. All offences that were offences under the then existing laws would be offences when the law is validated. We are not giving sanction to prosecute persons for an offence which was committed under a law which was not in existence. The law was there already. But the law may not have been a valid law. Parliament now gives sanction to treat as valid laws that existed between 1954 and 1956. We give sanction to all these laws which may not have been otherwise valid. The Supreme Court did not go into the question whether any other articles of the Constitution were violated.

Shri V. P. Nayar (Quilon): The hon. Member says that on that day the Act was in force; later on it may have been declared null and void. Is it his contention that punishment should be inflicted on the basis of an invalid law, because he contends that even if it is an invalid law, punishment is possible? Secondly, I would like to know what is the position in respect of cases now pending, if they are pending, and what is the force of that law which has been declared by the Supreme Court to have been passed by an Assembly which did not have the status of an Assembly?

Shri Jaganatha Rao: As I submitted, we are not creating a new offence by this legislation. We have got the power to legislate and that power includes the power to validate an Act passed by the legislature which was not properly constituted.

Shri V. P. Nayar: Ask the Law Minister.

Mr. Chairman: As pointed out by the hon. Home Minister, clause 4 only says that merely on the ground that the new Legislative Assembly had not been duly constituted, no court shall be allowed to question it. So far as other questions are concerned, they will certainly be open for decision by a court whether the Act is good or bad.

Shri V. P. Nayar: That proposition is agreed to. But my position which I argued yesterday was: how far the fundamental rights will be infringed by validating an Act which has been declared *ultra vires* the Constitution? The whole Bill has resulted from the judgment of the Supreme Court that the legislative body did not have proper sanction.

Ch. Ranbir Singh: We are creating that body. Whatever it has passed, is valid.

Shri V. P. Nayar: My hon. friend will not understand the distinction between creating a legal fiction for a civil right and that for a criminal responsibility. What can I do? My whole proposition is that you have ample powers for creating a civil right or extinguishing it. My hon. friend, Shri Hajarnavis, propounded the theory of legal fiction. How far can we take that theory to apply in the case of a crime or some act retrospectively considered as crime? That is the only proposition.

Shri Jagannatha Rao: I would return the same answer. We are not creating a new offence. The offence was already there under the existing law. We only validate that law because the Supreme Court held that the Legislature was not properly constituted.

13 hrs.

Regarding the propriety of validating certain enactments without going into each of them—an objection raised by you—my only answer is that we are only validating; we are not passing a new Act in respect of each of those subjects. It is only a question of form. It is open to Parliament to pass a separate piece of legislation in respect of each subject or validate by a law all the Acts passed by the Himachal Pradesh Legislative Assembly. So, Sir, the objection that each Act has to be gone into before Parliament gives its sanction does not stand.

The Minister of Home Affairs (Pandit G. B. Pant): Sir, I am glad to find that today every speaker has admitted the competence of this Parliament to pass a law of the type that has been introduced and that is under discussion just now. You were pleased to give a ruling to that effect when the Bill was first discussed and when you were occupying the Chair. So, I am relieved to this extent at least that there is unanimity of the point of competence in this House now.

That being accepted I do not see whether there is anything left to argue. Whatever Mr. Bharucha may have said or Mr. Nayar may have said, if the competence of Parliament is accepted then other points pale into insignificance and have, I very respectfully submit, no relevancy even.

As to the suggestion that has been made that these Bills should be examined I again tell the House that it is not on account of any obduracy or obstinacy that I have ventured to appeal to Parliament to pass this Bill. There are a number of Bills, 35 or 36. If we examine them, then what is to follow? Suppose some of us do not agree with the provisions of any one or two or three or ten bills? Are we going to reopen that question here and is every one of these Bills to be discussed so far as its clauses are concerned? Would that be a feasible proposition? It is open to any Member of this House to introduce a Bill for amending any clause in any of these Acts, because the entire jurisdiction to deal with the affairs of Himachal Pradesh is vested in Parliament and this Lok Sabha is free to take up any problem concerning that State.

In these circumstances, if any one feels dissatisfied with any Bill, it is open to him to introduce an amending Bill or a repealing Bill if he so chooses. He is perfectly free to do that. But let us look at it the other way that if you take these Bills, scrutinise them, examine them and after that, pass these Bills; then really we commit ourselves to the contents of those Bills more fully than we are doing today. What we are doing is plain enough, and about that there can be no room for any misapprehension in any quarter.

Clause 4 of the Bill, to which you have just referred makes the position abundantly clear:

> "No court shall question any Act passed, or any grant, resolution, proceeding or thing made, passed, adopted taken or done, by or before the new Legislative Assembly merely on the ground that the new Legislative Assembly had not been duly constituted or on the ground that a person who was not entitled to do so presided over, sat or voted or otherwise took part in the proceedings of the new Legislative Assembly."

It is only to cure that defect that this Bill has been introduced. A Bill will not be questioned merely on the ground that the new Legislative

[Pandit G. B. Pant]

Assembly had not been duly constituted. Apart from that if the Bill is questionable on other grounds, then it is open to any person who is aggrieved with the Bill to take such action as he may consider appropriate or as in his view will prove effective in order to question the provisions with which he disagrees.

Mr. Bharucha put forward a number of hypothetical questions: whether every Bill has received the sanction of the Speaker, where sanction was necessary; whether the Governor had sanctioned every Bill that had been placed before him or had not been placed; whether the Speaker had been really elected or not, and so on and so forth. Well, so far as those things go, I would venture to think that we must assume that even the Himachal Pradesh Assembly could not have disregarded these elementary matters. Still neither Mr. Bharucha nor any one else said that anything wrong has been done. It is only a hypothetical suspicion that something might or might not have been done. In fact, the law is that everything that is done should be deemed to have been done in a regular way, according to law, unless there is proof to the contrary. So we have to assume that all these Bills were passed in accordance with the law as it existed. As I said, if anybody has any objection it is open to him to take such steps as he thinks, will be, suitable in each case. But here what we are trying to do is a simple thing and nobody can say that if Parliament is competent it will be expedient to throw out any of these Bills here, because these Bills were passed by an Assembly which consisted of the representatives of the area to which these Bills appertain. We must assume that they are perhaps better acquainted with the conditions in that area than we ourselves are and we must also give them credit for looking after the rights and privileges of the people of those areas perhaps as earnestly and as zealously as we ourselves wish to do.

There were thirty-six Members. The term of the Assembly was to be calculated from the date that the original assembly was formed. The only thing that was to be done was that four Members more were to be added and they were added, but the notification was not issued. Now we are wasting hours in considering whether because a notification had not been issued these thirty-six or thirty-seven Bills should be thrown into the cauldron or into the waste-paper basket; or whether we should examine and scrutinise every clause of every one of these Bills before we say that merely on the ground of the objection that has been raised, because the Assembly was not properly constituted; these Bills should now be reviewed, repassed or they should be rejected.

I submit that absolutely no case has been made out for such a course. It would be inexpedient, it would be undesirable and it would not quite befit the propriety or dignity of Parliament to do so in a matter of this type. Parliament may say: Very well, these Bills have been passed by a legislature which according to law as it then existed felt that it was competent to do so and the law did exist; but a notification not having been issued that flaw has been discovered now.

Many things were done during the two years and a half; many budgets were passed and Appropriation Acts were passed; large sums of money were spent; people perhaps suffered imprisonment or they were otherwise punished and lands were acquired. Are we now going to say that those things were not done properly and that there was no sanction in law for them? If you examine any Bill and say that this clause should not be validated what is the effect of it? It means that everything that has been done under that clause so far should be declared to be invalid. So, I personally would submit that I am really sorry that even after the view that has been expressed by the Speaker

yesterday it has been considered necessary in a way to reiterate all that has been said previously.

I submit that the Bill is a sound one; it is also a beneficial measure. It is expedient and its passage is not only necessary but urgent. So, let the Bill be kindly passed.

13.12 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

Shri Braj Raj Singh: May I put a question? Is it a fact that 5 members who were to be elected from the Bilaspur area were present while the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Bill of 1954 was passed and may I also know whether at all the elections were conducted before this was passed?

Pandit G. B. Pant: I do not quite know that. But I know that even if 10 members or 20 members of Parliament had not been elected and by-elections were pending or they are unseated, the proceedings of Parliament are not considered to be invalid on that account.

Mr. Deputy-Speaker: Now, I put this to the House.

The question is:

"That the Bill to validate the constitution and proceedings of the Legislative Assembly of the New State of Himachal Pradesh formed under the Himachal Pradesh and Bilaspur (New State) Act, 1954, be taken into consideration."

The motion was adopted.

Mr. Deputy-Speaker: Now, we take up the clauses.

There are no amendments.

The question is: . . . .

Shri Jogendra Sen: Sir, I have an amendment to..........

Mr. Deputy-Speaker: In view of what has been said, the Validation Bill shall go as it is or it falls through.

The question is:

"That clauses 1 to 5, the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

Clauses 1 to 5, the Enacting Formula and the Title were added to the Bill.

Pandit G. B. Pant: Sir, I move that the Bill be passed.

Pandit Thakur Das Bhargava: Sir, as far as this Bill is concerned, we are going to pass it very soon. Though I feel, as a matter of fact, that it is perfectly legitimate for us to pass a measure of this kind, at the same time, I am not happy with the decision, if it is regarded as a decision, that this House is not capable of looking into the provisions of the Bills that are being validated. In my humble opinion it is the right and function of this House to see, whenever it enacts a measure or validates a measure, that the provisions are all proper and according to law and such that will benefit the country. To pass any law blindly without looking into the provisions is not just. It may be that in the circumstances which have been explained by the hon. Home Minister there may be no necessity to go meticulously into the provisions of those Bills. I can concede that after all the presumption is that the laws must have been regularly passed by that House though it was not a validly constituted House. Again, I find that our President has accorded sanction. It means that the Government of India and the President were satisfied with that. We support that presumption.

Perhaps, in this case, nothing may be lost by not looking into the particular provisions. But, at the same time, if this serves as a precedent, it will be a very sorry day indeed that we are passing this law without even our right to go into the provisions of the Bill being fully vindicated.

[Pandit Thakur Das Bhargava]

I can understand the mentality of some of my hon. friends who say that this Legislature where there were 36 Members or so was in a better position to look into these provisions. I do not think that this argument has any force. But, at the same time, to take away my right to go into these provisions when they are being validated with my vote is not a thing to which I can be a party. I would rather like that the right of the Members of Parliament to go into these matters should have been conceded. Then, if after conceding that right, the Home Minister wanted that we should pass it, I would have been a party to it. But if it is said that this Parliament has no right to go into these provisions and if even the opportunity is denied, I do not feel that we would really be discharging our duty.

There are two salient features; so far as the question of the constitutional competency is concerned, as the hon. Home Minister has been pleased to say, the House is practically agreed. But so far as the propriety is concerned it is for every Member to determine as held by the Speaker and as also held by you, Sir. Every Member has to think for himself whether he would be a party to this Bill, which validates 37 enactments.

I presume that, perhaps, we might have been justified in regarding it as expedient not to go into the provisions. But to base it on a proposition that no Member, not even the whole House has any right to go into them because there will be another authority, the Supreme Court or the High Court, which will look into them is not proper. The Supreme Court has got the duty because the Supreme Court, under article 32, guarantees, so far as the fundamental rights are concerned, protection. But, at the same time, I should think that this House also, when it goes into the question of validation of such laws, is as much competent as the Supreme Court to see whether the Bills enacted are against the fundamental rights or not.

For instance, I have been given to understand that in the Abolition Bill—I have not gone deep into the provisions—that even the 30 acres reserved for self-cultivation in Punjab and other places has not been reserved here. I do not know how far it is correct. I want to look into the provisions to see whether this fundamental right is given or not. I am asked to validate all these 37 Acts the provisions of which I do not know. It is easy to say the law is there.

श्री हेमराज : १२५ रुपए लैंड रेवेन्यु की सीलिंग रखी गई है ।

पंडित ठाकुर दास भार्गव : मै अभी आता हूं आप की तरफ़ ।

My friend has said that since........

Pandit G. B. Pant: My remarks were confined to the Bill that is before the House. I am not in a position to lay down the law and I do not intend to do so. I cannot arrogate that power to myself So, whatever I said was confined to the Bill that is before the House, and I would not claim any sort of convention or rule for the future.

Pandit Thakur Das Bhargava: It is quite right. I understood the hon. Minister to say that the incapacity to look into the provisions was there. If he had confined himself to this alone, I would not have had a word to say. I do understand that when Government are asked to do something it is not lightly that they do it. I also understand that much mischief might be done if these laws are not validated. Budgets have been passed. Supposing this House finds that certain funds have been misappropriated and certain funds have not been rightly applied. then, difficulties may arise. If that were so, the House should not go into that question. After all when we are validating all the provisions, it is, not as if we want to see how a person has misappropriated Rs. 10 lakhs during these years. All that we would not be able to know unless and until we are given the opportunity to

see that everything is right. We can assume that Government is satisfied that at that time there was a valid Legislature and all was right. But, at the same time, the right of this House to go into these matters should have been vindicated. If the hon. Minister had only agreed that the House had the right, I would not have had all this to say. I understand now that the hon. Minister does not want to take the responsibility of laying down the proposition that this House is incompetent to look into that. I am quite satisfied with his statement that he just concedes that the House has a right to go into these matters.

That was the only point I was talking about and that having been conceded I do not think that we should not accept the views of Government that it will not be wise to go into the provisions of those Acts to find out for ourselves about every detail, about every Budget, about the money spent etc. That would be an impossibility now after two years. I realise that fully and if the powers of the House are vindicated I am satisfied.

Shri V. P. Nayar: I have one question to ask. I understand that on an identical matter a petition under article 32 of the Constitution is pending in the Supreme Court and I also understand that notice on the motion of stay has been fixed for hearing on the 15th. The hon. Minister may consider this to be a hypothetical question but the Supreme Court in that case can decide only in either way—that is, one of the two ways. Parliament will not be meeting when the Supreme Court takes a decision. What is the proposal of the Government in case that is held to be *ultra vires* the Constitution. Would the Government come again with an Ordinance?

Mr. Deputy-Speaker: As the hon. Member has apprehended himself, it may be a hypothetical question. Unless the Supreme Court takes a decision and gives its judgment and unless its contents are known, what actions are to be taken?

Shri V. P. Nayar: I am submitting this; it is not to be very far off...... (*Interruptions.*)

Mr. Deputy-Speaker: It may be very near but any decision by the Government can be taken only after the decision of the Supreme Court is known.

An Hon. Member: The petition may be rejected.

Shri Padam Dev *rose.*

Mr. Deputy-Speaker: The hon. Member had spoken at length and therefore, he ought not to take much time now.

श्री पद्म देव (चम्बा) : उपाध्यक्ष महोदय, अभी जो माननीय सदस्य ने यह आपत्ति उठाई कि ३२ आदमियों की अपीलें अभी तक सुप्रीम कोर्ट में पेंडिंग हैं, मैं इस के बारे में बतलाना चाहता हूं कि उन का फैसला तो हो चुका और इसी बिना पर यह सारी की सारी कार्रवाई १९५४ से १९५६ तक की अवैध घोषित की गई है और उसी को वैध घोषित करने के लिये आज यह वैलिडेटिंग बिल . . . . .

उपाध्यक्ष महोदय : इस बात पर अब बहस करने की जरूरत नहीं है।

श्री पद्म देव : माननीय सदस्य इस के बारे में यह कह रहे थे . . . .

उपाध्यक्ष महोदय : मैंने उनसे भी कहा है कि अभी इस बात की फिक्र नहीं होनी चाहिये आप दूसरी बात जो कहना चाहते हैं, कहें।

श्री पद्म देव : दूसरी बात माननीय पंडित ठाकुर दास भार्गव जी ने सीलिंग के बारे में कही थी। जहां तक सीलिंग का सवाल है हिमाचल में १२५ रुपया सालाना तक मालिये की बात है और अगर किसी जागीरदार ने सारी की सारी जमीन मुजारों को दे रखी हो तो उस को यह भी अधिकार है कि वह २५ बीघा तक जमीन ले सकता है। जैसाकि अभी कहा गया था पोजिशन

[श्री पद्म देव]

दरअसल यह थी कि हिमाचल में जितनी जमीन थी उस की आला मालिक तो सरकार थी और उस के पश्चात् जितनी जमीन थी वह जागीरदारों या उन के अहलकारान के पास थी और उन्हों ने आगे दे रखी थी। खेती करने वाले कृषक थे और मालिक दूसरे। जो मालिक थे उन को बैठे बिठाये अनाज आता था। उस की मौजूदगी में जब वहां पर लोकप्रिय सरकार बनी, उस के सामने अगर कोई सब से बड़ा सवाल सुधार का था तो वह इसी के बारे में था। वहां के लोग जमीन को अपना सब कुछ समझते हैं और उन की इस भूख को शान्त करने का सवाल था। मुझे हैरानी है कि वे लोग जो गरीबों का बड़ा भारी समर्थक अपने आप को कहते हैं, क्यों इस का विरोध कर रहे हैं ?

उपाध्यक्ष महोदय : यह बात तीसरी रीडिंग में नहीं कही जा सकती है।

Shri Jogendra Sen (Mandi): Sir, in view of the decision which the House has taken, I would not like to say much. I endorse the views expressed by Pandit Thakur Das Bhargava both with regard to making us pass laws which are not even in the Schedule and secondly without seeing them. I had already tabled two amendments One was to this effect.

Mr. Deputy-Speaker: Why refer to them now? He may say that he is sorry that his amendments have not been accepted.

Shri Jogendra Sen: I have moved an amendment that the Land Reforms Act be excluded from this exemption. It is not because it should not be passed and I am equally anxious that it should be passed. But according to the Supreme Court there are certain provisions which are contrary to the Constitution. My view is that at any rate this House should be given an opportunity to consider that Bill so that we may remove those provisions. I mentioned the other day that we do not want to bring socialist society on the ashes and graves of our fellow citizens. The hon. Member who spoke has stated and remarked about the Indian States. I happen to come from those Indian States and represent both the rulers and the people of some of those States. With due respect, I do not want to be unparliamentary, I want to say that what he has stated is a travesty of truth. He has questioned my right to support a socialist State. The 'socialist' conception which he has tried to put in my mouth is farthest from my thought. If things are left to me, I would like the extreme socialist State. But I do not want that this House should be asked to pass laws which we have not seen. Our amendments are not considered and certain section of the people are not absolutely heard

Anyway, even the Supreme Court has said this in a quotation which I will not quote as I have no time. They have said that this apprehension of the land-lords is very valid and they do not want that they should be trampled like this.

Mr. Deputy-Speaker: The hon. Member's time is up. The question is:

"That the Bill be passed."

The motion was adopted.

13.26 hrs.

REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL

The Deputy Minister of Law (Shri Hajarnavis): Sir, I beg to move:

"That the Bill further to amend the Representation of the People Act, 1950, and the Representation of the People Act, 1951, be taken into consideration."

There have been several assurances on our behalf that as we gather experience from the holding of the elections and also as the law gets clarified by authoritative decisions of the High Courts and the Supreme Courts, we will be making the necessary amendments in this Act. This is a measure in which no Party is interested. It is essentially a non-partisan measure. But, I must make it clear at the outset that this does not exhaust all the amendments that we have in mind so far as the Representation of the People Act is concerned, before the next elections are held. This is in no sense a comprehensive Bill. There are certain amendments which appear to the Election Commission to be very urgent and if possible they should be put into effect before 1st January, 1959 and it is for that reason that I have brought this motion for consideration. But as I have said, if it is the will of this House of which we are the servants, that the matter should be examined in greater detail, then we shall have no objection to its being submitted to greater scrutiny.

I will briefly indicate the proposals that we have made. The proposals contained in clauses 2, 12, 3 and 13 are merely verbal changes bringing into line the Representation of the People's Act with the present law. After the States Reorganisation Act was passed, the seats had to be reallocated and the amendments that were moved in the earlier Act gave the position in the First Schedule and the Second Schedule. In section 3 and in section 7, all the seats as it obtained before the re-organisation of the States and as it was proposed to be allocated after the reorganisation were given respectively. Now that the reorganisation has come into effect, it is no longer necessary to set out in the Schedule the seats which were allocated before the reorganisation. Therefore, by clauses 2 and 12, we are taking out from the Representation of the People Act that portion of the previous Act which described how the seats were allocated before the reorganisation.

Similar is the effect of clause 13 and clause 4 which amends section 7 of the Act. Clause 3 deletes section 3A of the 1950 Act on the re-organisation of Part C States which have ceased to exist now. The seats which are now allocated to the Scheduled Castes and Tribes are contained in the Delimitation order.

Then I come to clause 5. Clause 5 makes a change which, I believe, will meet with the unanimous approval of the House. The change that is proposed to be make is in the qualifying date. The qualifying date on the basis of which we have worked so far is the 1st of March. Now, it is common knowledge that most of the electoral registration officers are also revenue officers. Their busiest time begins from 1st March. Therefore, it is not possible for them to devote as much time as they would like to devote for the registration work and the work of registration gets postponed. But they can find time in the earlier three months. It is therefore proposed that the qualifying date shall be advanced from 1st March to 1st January.

The effect of clauses 6, 8 and 9 is this. Under the present Act a man may be registered at a place where he is ordinarily resident or where he has a dwelling house. That

[Shri Hajarnavis]

results in his being entered in more than one electoral roll. Now, it is the experience that if you have an ineffective name, the name of a person who is not going to vote in that constituency, then it give cover for impersonation. Therefore, the attempt now is to remove as many ineffective names as possible. With this end in view we have suggested that a voter should not be entered in an electoral roll more than once and that he should be entered only at a place where he is ordinarily resident. That being so, section 17 is being amended to say that he is not entitled to be entered in an electoral roll more than once in the same State.

Clause 7 carries the idea further. It is this. As section 19 previously stood the qualifying date was said to relate both to the age and to his ordinary residence in the constituency. As we concede the idea of ordinary residence, it is a continuous process extending over a fairly long period before we say that a person is ordinarily resident at a particular place. Now, to pin point that he is resident on a particular date is, in our submission, a contradiction in terms. Secondly, it is something which is not consonant with the Constitution, because the Constitution speaks of a qualifying date only with respect to age and not with respect to his residence. Therefore, what we would consider now, when a name is being entered or a claim is being investigated, is whether a person at that time is ordinarily resident in the constituency or not.

Clause 8, therefore, carries out this into effect.

By clause 9 the electoral registration officers are being given powers *suo moto* to correct the electoral rolls. It is a necessary power. If he finds that a name is ineffective, that is to say, a dead man's name is there, the name of a man who is not ordinarily resident is there or that the name of a man who is disqualified in any other manner is there, then *suo moto* he can exercise that power. But I would like to make it clear that such power will be exercised in accordance with the well known principles of natural justice, that a person against whom such an order is proposed to be made will receive due notice.

Shri Easwara Iyer (Trivandrum): It is not stated so in the Bill.

Shri Hajarnavis: If an order is made against a person . . .

Shri Easwara Iyer: An assurance from you is of no use.

Shri Hajarnavis: It is always presumed that if an order adverse to a person is intended to be made he must have an opportunity of defending or showing cause against that order. If the House thinks it necessary, a provision to that effect may be put in there; but this is what we intend to do. I have nothing to say against that being made explicit.

Clause 11 is intended to make the law clear. Probably the present provisions in the Penal Code are sufficient, but in case there is any doubt we want to make a specific provision creating an offence saying that if any declaration or statement is made during the course of claim proceedings by any person which he knows to be false, believes to be false or does not believe it to be true, then he will be committing an offence. Further, since the right to vote is such a valuable right, any officer who does not do his duty is guilty of dereliction of his duty and is of course subject to disciplinary action. We go on further to say that in such a case the man and the officer will also be responsible for criminal action.

As I have already said, clauses 12 and 13 are consequential amendments on the reorganisation.

Clause 14 seeks to omit the words "or in the electoral college of a Union territory", because there are no longer any electoral colleges.

Section 7 of the Act is one which it has been found difficult to construe. It reads like this:

> "A person shall be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State—
>
> * * * *
>
> (b) if, whether by himself or by any person or body of persons in trust for him or for his benefit or on his account, he has any share or interest in a contract for the supply of goods to, or for the execution of any works or the performance of any service undertaken by the appropriate Government;"

While dealing with this, I might mention that this was introduced as a part of the English Constitutional Law or the English Law of Elections during the American revolution where it was noticed that a large number of Members of Parliament were interested in contracts by which money was transmitted for war purposes to America, and the Members also had interested themselves in contracts for supplies to the various departments who were engaged in war, and in order to prevent that abuse due provision was enacted. That provision was couched in similar terms, though it was less drastic than law. In 1931 Sir Stafford Cripps moved an amendment which made it clear that the provision did not apply to contracts of immovable property. Further revision of that law came together with the revision of law relating to disqualification. It was found that it was impossible in the existing circumstances to have a provision of this type; that is to say, where people with private income are so rare and where Government are themselves occupying every field of activity, it is impossible for any person, who is earning his own livelihood, at some stage or other not to touch the government departments. So, with that end in view, what they have done is that they have deleted this contract clause altogether from their disqualification, and I am glad to find that my hon. friend, Pandit Thakur Das Bhargave, has given an amendment which would attempt to bring the law here in line with the Britishers.

We have not gone as far as this, but we have tried to delete the words which are vague, ambiguous, which may render the law uncertain. No one knows how far the words "whether by himself or by any person or body of persons in trust for him or for his benefit or on his account" go. Then, speaking for myself, I have always found it difficult to see what exactly is meant by "performance of any services undertaken by the appropriate Government". Supposing a Member of Parliament gives an occasional talk on the All India Radio.

Shri Easwara Iyer: Or he is a lawyer and he is engaged . . .

Shri Hajarnavis: The view that was expressed before the House of Commons Committee was that the relationship of a lawyer to his client is not that of an employer-servant. That was what was said. So, lawyers appearing for Government are exempt. But, in any case, the law should be certain and with that end in view, what we have done is, we have proposed this amendment. We have not gone as far as the British Act goes nor have we gone as far as Pandit Thakur Das Bhargava wants to take us, but we have tried to take out these clauses which would render him liable, on the slightest suspicion, to be disqualified, if "by himself or any person or body of persons in trust for him or for his benefit or on his

[Shri Hajarnavis]

account, . . " etc., he enters into a contract. We say that if he is a person who has a contract for the supply of goods or for the execution of works, he ought to be disqualified and we are omitting the words "services undertaken by the appropriate Government".

Clause 16 is consequential. I will come to those clauses later on—those clauses which deal with the necessity of a deposit by a candidate for the Council or Council of States. There are no provisions for the election of Council or Council of States, as regards deposits. Therefore, a man who has absolutely no electoral merit enjoys the pleasure of standing for election and even if he loses, even if he does not get a single vote, he does not forfeit anything

As regards clauses 20 and 21, my hon. friends Shri Tangamani and Braj Raj Singh will be glad to note that we have been able to act upon their suggestions and we are deleting section 55A and the other sections which deal with this matter

As regards clause 23, it deals with section 56 As it is, the polling station should remain open for eight hours In the Council election, the number of electors is very small, and it is not necessary that the polling station should remain open for eight hours or that the polling officers and other officers carrying on the election work should be there waiting for eight hours, where no voters are expected to come in. Therefore, we are removing the statutory limit, and this will be at the discretion of the Election Commission.

Clause 24 is a permissive clause. There are certain classes of people including Ministers and Deputy Ministers who are given the alternative right for casting their vote by post, because certain urgent work may detain them at the place where they are working, and they may not be able to go to the place where their vote is to be recorded. Actually, when a candidate who was a Minister or a Deputy Minister went to the constituency and intended to record his vote or expressed his desire to record his vote, he found that he could not vote. By the proposed amendment, he can exercise his right in either ways.

Shri Naushir Bharucha (East Khandesh): Under the existing law, can he not do it? I do not know why he was permited

Shri Hajarnavis: As I read it, I do not think it is permitted.

Shri Naushir Bharucha: Without prejudice to the generality of the case

Shri Hajarnavis: As we read the section, we feel that it prevents him from doing it. This is the only method by which he can vote.

Clause 25 is somewhat important. With a view to preventing presonation of electors, provision should be made by rules The existing law lays

> " for the marking with indelible ink of the thumb or any other finger of every elector, who applies for a ballot paper or ballot papers for the purpose of voting in a polling station before delivery of such paper or papers to him."

To this we intend to add the following:

> "(b) for the production before the presiding officer or a polling officer of a polling station by every such elector as aforesaid of his identity cards before the delivery of a ballot paper or ballot papers to him if under rules made in that behalf under the Representation of the People Act, 1950, electors of the constituency in which the polling station is situated have been supplied with

identity cards with or without their respective photographs attached thereto; and"

House will notice that this is merely a permissive clause, clothing the Election Commission with powers which they may exercise in certain constituencies. Of course, it involves some expense, but where there is a floating population and where the identity becomes difficult, then, every candidate will realize that it ensures the purity of election, if some sort of identity card is issued to him. It may be with photograph or without the photograph. Powers are being entrusted to the Election Commission to devise means by which the identity is ensured. There are constituencies in which large-scale impersonation is resorted to at the elections and so, in order to prevent that, the Election Commission, as it has been doing so far, may carry on experiments with all sorts of identity cards, sometimes using photographs and sometimes without them, and see whether such a procedure prevents personation and whether it is successful. So, as it is, as I said, this is merely an enabling clause. It does not by itself change the electoral system at all.

Clauses 26 and 27 are consequential, and they seek to amend sections 64 and 67A, arising out of the deletion of section 55A.

Clause 28 is important in this way. Where the election tribunal had dismissed a petition on a preliminary ground, the question was whether it was subject to an appeal under section 98 or not. In all such cases the party was aggrieved by the order that he was advised to file and filed an application for a writ under article 226, and such applications were entertained. There is no reason why such a matter should not enter the High Court by way of an appeal. Therefore, it has to be made clear that even such an order is an appealable order and therefore it may be taken to the High Court.

Clause 29 is for the purpose of keeping the Election Commission informed of the progress of an election dispute. Oftentimes it happens that an appeal is taken against a decision of the Election Commission, and stay orders are entertained. But the Election Commission is not informed with the result that dates are fixed for election and certain other arrangements are made. We have made rules by which such orders are to be sent to the Election Commission, but now we want to place those provisions on a statutory basis.

Then, under section 117, some difficulty was caused as to whether the deposit has to be made in the name of the Secretary to the Election Commission or the Election Commission. Some tribunals held that unless the deposit was made in the name of the Secretary to the Election Commission that deposit was not a proper deposit. In order to remove any ambiguity, the word "Secretary" is being removed.

In clause 32 we intend to extend the period for withdrawing the money deposited with the returning officer from six months to one year.

Clause 33 seeks to make a consequential amendment.

Clause 34 seeks to remove a defect which has been pointed out by the Supreme Court. The Supreme Court pointed out that whereas the giver of bribe incurred electoral disqualification the acceptor did not; unlike charity, bribery was only singly blest. We want to make it clear that not only the candidate who gives the bribe will be guilty of the corrupt practice, but also the candidate who accepts it.

Clause 35, as a matter of fact, ought to have come in the 1950 Act itself, because the Electoral Registration Officers and the Assistant Electoral Registration Officers have no functions to perform under the 1951 Act. They have certain duties and powers under the 1950 Act.

[Shri Hajarnavis]

Clause 37: Section 158 of the 1951 Act was provided on the assumption that elections would be on the basis of one ballot paper being issued to each voter. Now the Election Commission has carried on certain experiments, giving one ballot paper on which the voter has got to mark his vote. That experiment has been fairly successful. At present, section 158(3) reads:

"For the purpose of sub-section (2), the number of votes polled shall be deemed to be the number of ballot papers, other than rejected ballot papers, counted."

But if you are going to have one ballot paper on which marks are to be made, section 158(3) is not appropriate. So, that has now been omitted. We have further said if a candidate who is being elected by proportional representation does not get a certain minimum number of marks, which is the minimum quota fixed, then he loses his deposit.

These are the various amendments, the suggestions regarding a number of which have been received from Members of the Opposition and I do not think anyone will take objection to them. As I have already said, if the House desires that the matter is one which requires closer scrutiny by a Select Committee, I have no very serious objection, but the only consideration is that unless this Act is passed, the qualifying date in the next year shall not be advanced from 1st March to 1st January

Mr. Deputy-Speaker: Motion moved

"That the Bill further to amend the Representation of the People Act, 1950 and the Representation of the People Act, 1951, be taken into consideration."

Shri Naushir Bharucha: I am moving my amendment that the Bill be circulated for eliciting public opinion

Pandit Thakur Das Bhargava (Hissar): I am moving my amendment No. 23.

Shri Ram Krishan (Mahendragarh): I am moving my amendment No. 28.

Mr. Deputy-Speaker: He wants that the Select Committee should be confined to six Members.

Shri Hajarnavis: Excluding the Law Minister and the Deputy Law Minister.

Shri L. Achaw Singh (Inner Manipur): I am moving my amendment No. 31.

Mr. Deputy-Speaker: He has increased the number to 9.

Shri Asar (Ratnagiri): I am moving my amendment No. 27.

Mr. Deputy-Speaker: It is a Select Committee consisting of 7 persons.

Shri Easwara Iyer: I am moving my amendment No. 22. I have proposed a Select Committee consisting of 8 persons. I would have put down more, but the difficulty is to get the consent of the persons concerned.

Mr. Deputy-Speaker: The mover is there and the hon. Law Minister is also there. Pandit Thakur Das Bhargava has not put down his own name in the committee he has proposed Perhaps he will be made a member in the committee proposed by some other Member.

Shri Braj Raj Singh (Firozabad): How many has he suggested?

Mr. Deputy-Speaker: 20. These amendments and the original motion for consideration can be taken together. But in view of the observations made by the Deputy Law Minister just now, I was just expecting that perhaps he might accept some amendment out of this. If this Bill is going to be referred to a Select Committee, we might not spend six hours on that.

Pandit Thakur Das Bhargava: If it is going to be accepted, there is no point in spending so much time.

Mr. Deputy-Speaker: Yes. We will have another opportunity. So, we need not spend so much time. We have already spent half an hour. Three more hours may be taken and we might finish this by 5 o'clock.

Shri Hajarnavis: If it is referred to a Select Committee, we will finish it by 5 o'clock. I have made my statement that we should pass it before the 1st January. But I am prepared to listen to the arguments advanced from the other side.

Shri V. P. Nayar (Quilon): From the lists of names contained in the various amendments, can he not evolve a single list and submit it to the House?

Mr. Deputy-Speaker: That is for him now.

Shri Hajarnavis: I said I am not opposed to that idea.

Shri Naushir Bharucha: If the Bill is going to be referred to a Select Committee, I will withdraw my amendment for circulating the Bill to elicit public opinion.

Mr. Deputy-Speaker: The committee proposed by Pandit Thakur Das Bhargava contains the largest number of Members and that might be acceptable to the Minister

Pandit Thakur Das Bhargava: I beg to move

"That the Bill be referred to a Select Committee consisting of—

Shri Ram Krishan, Shri S. Easwara Iyer; Shri Diwan Chand Sharma, Shri Mahavir Tyagi, Shri Braj Raj Singh, Shri R. M. Hajarnavis, Shri Naushir Bharucha, Shri M. R. Masani, Shri N. G. Ranga, Shri Upendranath Barman, Shri Atal Bihari Vajpayee, Shri Harish Chandra Mathur, Shrimati Sucheta Kripalani, Shri Bhakt Darshan, Shri Ajit Singh Sarhadi, Shri H. C. Dasappa, Shri Shree Narayan Das, Shri P. T. Thanu Pillai, Shrimati Uma Nehru, and Shri Banarsi Prasad Jhunjhunwala with instructions to consider all suggestions and amendments relevant to the subject matter of the Representation of the People Act, 1950 and the Representation of the People Act, 1951 and to recommend the adoption of such of them as appear suitable and conducive for securing fair and free elections in the country and to report by the first day of the next Session."

Shri Ram Krishan: I beg to move:

That the Representation of the People (Amendment) Bill, 1958, be referred to a Select Committee consisting of—

Dr Ram Subhag Singh, Shri K. T. K Tangamani, Pandit Thakur Das Bhargava, Pandit Dwarka Nath Tiwary, Shri Hem Barua, and the Mover with instructions to consider all suggestions and amendments with a view for securing fair and free elections in the country and to report by the first day of the next session.

Shri L. Achaw Singh: I beg to move·

That the Bill be referred to a Select Committee consisting of— Shri Narayan Ganesh Goray, Shri Braj Raj Singh, Shri S. Easwara Iyer, Shri Surendra Mahanty, Shri Liladhar Kotoki, Pandit Thakur Das Bhargava, Shri R. M. Hajarnavis, Shri Atal Bihari Vajpayee, and the Mover, with instructions to report on the first day of the next Session

Shri Naushir Bharucha: I beg to move·

That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st February, 1959

Shri Assar: I beg to move:

That the Bill be referred to a Select Committee consisting of—

Shri Shraddhakar Supakar, Shri Purushottamdas R. Patel, Shri B. C. Kamble, Shri Yadav Narayan Jadhav, Shri R. M. Hajarnavis, Shri Atal Bihari Vajpayee, and Shri Premji R. Assar with instructions to report by the first day of the next Session.

Shri Easwara Iyer: I beg to move:

That the Representation of the People (Amendment) Bill, 1958, be referred to a Select Committee consisting of—

Shri Surendra Mahanty, Shri Jaipal Singh, Shri Diwan Chand Sharma, Shri Mahavir Tyagi, Shri Jaganatha Rao, Shri Braj Raj Singh, Shri Asoke K. Sen and the Mover with instructions to report by the first day of the next session

Mr. Deputy-Speaker: Pandit Thakur Das Bhargava. Panditji would bear in mind the time that we have already devoted to this.

14 hrs.

Shri Easwara Iyer: Is the Law Minister accepting our motion for reference to the Select Committee?

Shri Hajarnavis: I am yet to hear the hon. Members.

Mr. Deputy-Speaker: Does it require my interpretation?

Shri V. P. Nayar: He keeps his mind wide open.

पंडित ठाकुर दास भार्गव : जनाब डिप्टी स्पीकर साहब जहां तक कि इस . .

Shri V. P. Nayar: Let it be in English, so that we can also hear it.

Pandit Thakur Das Bhargava: I have moved the motion which stands in my name. The House must have observed that I have suggested in it:

"with instructions to consider all suggestions and amendment relevant to the subject matter of the Representation of the People Act, 1950 and the Representation of the People Act, 1951".

Mr. Deputy-Speaker: The names of the Members may also be read.

Pandit Thakur Das Bhargava: The Members are: Shri Ram Krishan, Shri S. Easwara Iyer, Shri Diwan Chand Sharma, Shri Mahavir Tyagi, Shri Braj Raj Singh, Shri R. M. Hajarnavis, our hon. Deputy Law Minister, Shri Naushir Bharucha, Shri M. R. Masani, Shri N. G. Ranga, Shri Upendranath Barman, Shri Atal Bihari Vajpayee, Shri Harish Chandra Mathur, Shrimati Sucheta Kripalani, Shri Bhakt Darshan, Shri Ajit Singh Sarhadi, Shri H. C. Dasappa, Shri Shree Narayan Das, Shri P. T. Thanu Pillai, Shrimati Uma Nehru and Shri Banarsi Prasad Jhunjhunwala.

Shri V. P. Nayar: None from Madras

Mr. Deputy-Speaker: Shri Thanu Pillai is there.

Pandit Thakur Das Bhargava: I have no objection to add other names. It is customary to add new names. I am anxious that all persons who can contribute, so far as this is concerned, and who represent the parties, should be there. Because, according to me, this is not a Bill which can be said to be sponsored by any party. This is a non-party measure. I am, therefore, anxious that those who have experience should contribute their experience, as the Election Commission has done. For instance, the experience of those who took part in the election has not been taken advantage of. It is customary after the entire election is over to pool all their experience and find out what were the obstacles and difficulties which were experienced during the elections and to bring them here Anyhow, apart from those difficulties, there are certain matters where the Opposition members as well as all of us have contributed our experience on

many occasions whenever such Bills came before the House. Further, many good and salutary practices are found to exist in other countries also like Great Britain. Therefore, when a Bill of this nature comes, all these matters become relevant, and they go a long way in advancing towards free and elections in our country.

Every person who stands for election takes pride in the fact that ours is the greatest possible electorate 18 crores to 19 crores—and our democracy is the greatest one in the whole of the world We are proud that we are having free and fair elections. We have gone through two elections when Pakistan could not go through even one. So, we have to take particular care to see that our elections are free and fair. We have to adopt all those good practices which obtain in other free countries, so far as free and fair elections are concerned. After adopting all those practices we will be able to say with a full heart that as a matter of fact ours is the best country and the best democracy where there are free and fair elections. With a view to ensure that I have put in my amendment. At the time when the Criminal Procedure Code Amendment Bill was passed, all those amendments to the various sections which are not included in that amending Bill, were allowed (I may support by way of precedent) and this House allowed all those amendments to be considered by the Select Committee. I am, therefore, anxious that my amendment, if accepted, should be accepted in the present form in which I have given I hope that the hon. Law Minister will be pleased to accept this part of the motion also.

To start with, I want to congratulate our Deputy Law Minister for the clarity of the notes on clauses which he has given. They clearly bring out the amendments which he has proposed in this Bill. I am very happy that this has been done this time, though it is quite true that some of them are not quite full. At the same time, they are much fuller than they were previously in other such Acts.

Generally speaking, taking all the provisions as a whole, I do think this Bill is an improvement upon the previous one and will make our elections fairer and more free. But, all the same, I am anxious that in regard to certain matters—and those matters are not few—this House should be enabled to discuss them rather in detail, and that will not be secured by putting the motion as it is and passing the Bill. As a matter of fact, all such legislation, according to me, all legislation of a controversial nature should be gone into by a Select Committee That is the real place where Members after mutual discussion come to solutions which are acceptable to the generality of the members. Now I have gone through the long list of amendments, and more will be coming, perhaps I should think that the matters involved are such and so many that they cannot be discussed in this House. That is a sufficient vindication of my motion and I hope the hon. Deputy Law Minister will accept that. He has agreed to accept this motion for reference to Select Committee.

The Minister of Law (Shri A. K. Sen): Who has agreed?

Shri V. P. Nayar: He does not agree.

Shri Braj Raj Singh: What is the reaction of the Minister? Let us know the position.

Mr. Deputy-Speaker: The mover said that he would not be opposed to this Bill being scrutinised further by a committee

Shri A. K. Sen: If it is a question of scrutiny, we shall be only too willing to have it scrutinised as much as possible But the scope of the Bill is so little and the question involved is of such a minor character, we do not consider it to be necessary to send it to the Select Committee. But, as I said to many hon. Members privately, we shall be willing to sit with the representatives of groups and find out

[Shri A. K. Sen]

their views on any of the provisions on which they might have anything to say. That is the position. If we accept the suggestion of a Select Committee, we are at once confronted with the question of a Joint Committee composing of Members of both the Houses. It will take some time

Shri V. P. Nayar: We can leave the elders to themselves.

Shri A. K. Sen: Once you have a Select Committee here, it is difficult to resist the Members from the Upper House being represented on the Select Committee. As I said to many of the Members—I think Shri Easwara Iyer was there; various other Members too —I am ready to sit, if necessary, four, five or ten times. Let us discuss this The Select Committee cannot do better. It is necessary that we pass this Bill during this session

Shri Braj Raj Singh: What harm is done if this is not passed before the 1st January?

Pandit Thakur Das Bhargava: As regards my motion, the hon. mover of the Bill said that this Bill has to be passed before the 1st January, and that is being repeated by the hon Law Minister. They are desirous of passing this before the 1st of January the reason being that they are changing the qualifying date. That is all. Suppose the qualifying date is not changed and it is kept as 1st March, what will happen?

Shri Naushir Bharucha: Heavens will fall!

Pandit Thakur Das Bhargava: Only a greater number of people will have the right to vote. Even those persons who have attained majority during the two months will become entitled to vote.

Mr. Deputy-Speaker: His objection is that the regular officers will have no time during these three months That is what he said.

Shri Braj Raj Singh: We are not going to have the election in 1959.

Shri A. K. Sen: Regarding urgency, we are certainly entitled to put forward the plea of urgency, so far as this matter is concerned and on the reasons we have given it is for the House to decide whether it accepts the plea or not.

Shri V. P. Nayar: We are entitled to be convinced also.

Shri A. K. Sen: Certainly. I have said so.

Pandit Thakur Das Bhargava: It is not that we do not appreciate the reasons which have been given by the hon. Law Minister. But, after all, the reason given is that these persons who are in charge of making these lists etc. are busy during these three months.

Shri A. K. Sen: These are the reasons given by the Election Commission. They are not ours. It is they who run the elections.

Pandit Thakur Das Bhargava: Even if they are your reasons, they are valid. If they are the reasons given by the Election Commission, we have great regard for the Election Commission also. The reasons will be examined on merits to see that they are good and are so dominating that other considerations do not outweigh them The hon. Minister can have his way even in spite of the general trend in the House and the general desire of the House that it should be referred to the Select Committee. The hon. Law Minister is a law unto himself and he can decide what he likes. We have seen that the hon. Mover of the Bill was sensitive to the opinion of the House and was to an extent, I should say, amenable to the wishes of the House. He wanted to send it to the Select Committee. But if the hon. Law Minister thinks otherwise, we cannot do anything but to request him to kindly agree to our suggestion because the suggestion is based on considerations which are perhaps

much more valuable and much more weighty than the simple objection that these officers are busy during these three months. These officers have been busy in the last two elections and yet they produced lists which were satisfactory. I suppose they are busy in this one year only and that next year they will be quite free because we are going to change it to 1st January if the House agrees. I do not think this is any great objection.

So far as this question is concerned, you must give satisfaction to every Party in the country. You must give satisfaction to any hon. Member who has his experience and during the last two elections all of us have passed through the elections, we know the difficulties and we know how it can be improved. If you want to go through the proposals of the Election Commission and do not want to hear anybody else, we cannot have any choice. We cannot certainly compel you. But I would like you to understand—I would make an appeal to the hon. Law Minister through you, Sir—that the House is anxious about sending the bill to the Select Committee.

When I gave notice of these amendments, many hon. Members came to me and told me that I have done the right thing in suggesting that the experience of other hon. Members also must be put together and gone through by that Committee. On the last occasion also we were able to see that. As a matter of fact whenever Representation Bill has come before the House it has always been referred to a Select Committee. I happened to be the Chairman of the Select Committee on the last occasion and I know that we devoted many days and produced many good provisions also though experience has shown that some of them were bad. Our experience may show many other things also. I submit for the consideration of the hon. Law Minister that many other points are there which will require to be thrashed out in the Select Committee.

Take for instance, the question about clause 15. If the hon. Law Minister kindly goes through the history of this matter, amendment of this section alone entitles this House to go into this in a Select Committee and consider the matter. It is a very important matter. It is one of the most important matters that will come up for consideration. This is not the only thing. There are many other matters in this Bill and outside it which must be thrashed out by this House if the House wants that it may have a very good Act to be followed.

In regard to clause 15, we have heard from the hon. Deputy Minister that the law in Great Britain has been changed now and we heard the hon. Law Minister himself on the Prevention of Disqualification Bill. He was of the view that all these kinds of disqualifications should be taken away and every person should be allowed to come into this House. I remember the force and the vehemence with which he pressed this point and the Opposition is also convinced about it. The Opposition and the hon. Law Minister seem to meet sometimes.

Shri Braj Raj Singh: In Calcutta they often meet.

Pandit Thakur Das Bhargava: So, what I submit is that according to the views of the hon. Law Minister, which we respect very much, and according to the views of our hon. friends of the Communist Party, who gave expression to these views at the time of consideration of the Prevention of Disqualification Bill, there is ample proof of the fact that everybody as a matter of fact is anxious that the disqualifications may be as few as possible.

When we enacted the original Act of 1950 and 1951, the hon. Law Minister was not present. Dr. Ambedkar was there. Previously, the proposed provisions were very wide and would not admit any commercial man or any man of business to come to this House

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because we had a sort of apprehension that when these persons come they may influence the Ministers to do this or to do that. Even that was watered down and ultimately we accepted the provisions of the Act of 1951. After that now we know that so far as Great Britain is concerned, some provisions existed in the Great Britain Act also. They have cast those provisions away. They have taken away those provisions. I fail to understand really whether it will be wise to keep these provisions at all.

If you look at the proposed amendment, it reads like this:

> "if there subsists a contract entered into in the course of his trade or business by him with the appropriate Government for the supply of goods to, or for the execution of any works undertaken by, that Government;"

Now he wants to substitute this. What would happen when the new proposal of our Government to have this trading in grains—wholesale dealing and than retail dealing by these licensees etc. throughout the country—materialises? It means that every person, every trader and every shopkeeper of grains will be a person who will be participating in some kind of a contract. He will be performing some duty which has been undertaken by the Government. My humble submission is that almost all traders will directly or indirectly be connected with the Government.

Apart from that when I think of the socialisation of all the industries, as is proposed by our Communist friends as well as by some hon. Ministers of the Government, I should think that in regard to all industries it is likely to happen that private trade will not have the role which it has got at present. So, you will be disenfranchising a large number of people so far as membership of this House is concerned.

If you examine the argument which is at the basis of this provision, you will simply find that this is not tenable at all. Suppose there subsists a contract entered into in the course of his trade or business. That means that that an individual contract even on merits will not disqualify a person. It must be a contract entered into in the course of his trade or business. So, he must be a person in business. Any person who takes one or two contracts may not come within the purview of this section.

Then again it must be subsisting. For instance, if on the 3rd March the election is to take place or nomination is to take place and if, suppose, the contract was so timed that it will finish in April, then the elections will be over, the contract will be over but the man will be disenfranchised for all time.

Then, suppose a person enters into a contract with another person. What happens? One person does his part of the duty. What is the influence of the one over the other man? Why should that man not be allowed to come to this House if it is a contract with another person? It is quite true that he stands to gain by it. I can understand that according to our rules that person will not have the right to vote if he is personally interested in any matter. No person can vote if he is interested in any matter which is a subject matter of the Act or isolate. So far as contractual capacity is concerned, contract by itself is quite apart from holding an office of profit. If by holding an office of profit any person is going to be disqualified, generally speaking, so far as contracts are concerned, I do not see any justification why a person should be ineligible.

Then, there has been so much law on this subject. So many election petitions have gone to the Supreme Court, and the High Courts and various rulings have been given which are not reconcilable with each other. For instance, at the time of controls, any

person having a licence or any person with a depot etc. was disqualified according to some courts whereas other courts said that he was not disqualified.

Then, take the case of execution of any works undertaken by that Government. The hon. Deputy Minister thought that the words 'performance of service' were very vague and he did not understand the full implication of those words. Similarly, I may complain that I have not been able to understand the words 'execution of works undertaken by the Government'. Works may be of different nature. A person who is doing some part of the work may not have anything at all to do with the executive duties of the Government and may not be under the influence of the Government. It may be a small *theka* for executing the building work of, say, Rs. 500, in a District Board or in the Canal Department or anywhere. Why should that person, as a matter of fact, be disqualified? I think we would be acting wisely if we accept the lead given by the British House of Commons when they quashed all these provisions which existed for a long time in that country

So far as clause 11 is concerned, to my mind, this is incomplete. Suppose there is an application against myself for exclusion of my name and I make a false statement, I am free from the inhibitions contained in section 31. It ought to be as mentioned in the amendment 'exclusion or inclusion' This is a small point.

We have been for some time agitating previously about certain other kinds of amendments. For instance, we have been submitting to this House that there are a good number of election petitions—last time it was 300; I do not know how many were there this time—coming up to 1 per cent of the total number of persons elected. It is not in every election that the question of accounts arises; it arises only in a very few cases. When the previous Bill was there, I submitted a note to the House. I submitted that so far as these accounts are concerned, most of the accounts, I am bold to say even now, are not such as the law countenances. Does the hon. Minister know how to keep regular accounts—*khata*, cash book, day book and all the five books. Then, again, in the stress of elections, nobody writes his own accounts every day. It may happen that many persons, and also in the case of our leaders, may be receiving help from many quarters from other places, from other States Persons may come and their expenses may not be shown. I have yet to know of any very great leader of eminence who has given, as a matter of fact, an account which, I will not say was not false, but at the same time, which really not only countenanced, but also fulfilled all the obligations given in our rules Regular accounts means, every day, the accounts must be gone into, must be written, full and true accounts. Even if mention of a four annas is not there by mistake or inadvertance, it will be not correct. I know of one hon Member of this House in whose case, because the expenditure of a telegram was not given, his election was set aside I am glad that at our instance that part was taken away, in which every person had to forswear that the accounts are true. So far so good. At the same time, I do not want that this dishonesty must be perpetrated at all costs. I can understand, you may place the responsibility on every person to keep accounts. That may be so. After all, you have to go before a magistrate and say that the accounts are right or not going to a magistrate, you say that all the accounts are right. When we know that these accounts are not to be produced before any person, there may be no election petition at all Yet you say that accounts must be kept in the way it is enjoined by these rules. To my mind, this does not appear to be right. In my humble opinion, it may enjoin that a person, may not spend more

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than a certain amount. I can understand that. Otherwise, it will become a rich man's job and he will be able to do anything. I am in favour of prescribing a ceiling so far as expenses are concerned. I am not in favour of taking off the entire obligation to keep accounts. At the same time, I am against this provision that every person must file his accounts as soon as possible, go before a magistrate and swear to that account or at least write with his own hand, I solemnly affirm that these accounts are true, etc As soon as an election petition is there, within 15 days, the person can be called upon to put in his accounts and the other party may see these accounts and say that these accounts are not right If the House is not agreeable to revising the provision about accounts or if the House is agreeable, it should have its say. If it is not agreeable, I can understand that. In one per cent of the elections, there may be election petitions and out of that, in half a per cent, the questions of accounts may possibly arise and the accounts may be gone into if necessary. For that, every person has to go and forswear and put a strain on his conscience that whatever he has written is perfectly true and that the accounts have been kept according to the rules enjoined upon him. This is too much. I would, therefore, like that a provision of this nature which I have already explained in the note may be accepted by the House if the Bill goes to the Select Committee Otherwise, it cannot be done

I have seen in the amendments given notice of by hon. Members an amendment to make the voting compulsory. I understand on the previous occasion also, some members had such suggestions to make I do not know whether it will be justified in the present circumstances. At the same time, every hon. Member should be allowed to have his say and he should be given an opportunity to convince this House that whatever he says is perfectly correct and is feasible. He may have, perhaps, examples to give from other countries where the trend in democracy is that every person must give vote or account for why he has not given a vote. It may be so. Therefore, not to give an opportunity for all these Members, I should think, is not just. Whatever the Law Minister might say, I would request the Members to show by their speeches and not to agree to what the Law Minister says, if they are of the view that the entire matter should be gone into in the Select Committee After all, the Select Committee is not the business of the Law Minister alone. It is the business of the whole House. We must pass this motion for reference to a Select Committee if we think that the interests of the country will be furthered by having a Select Committee, when the hon. Minister in charge of the Bill has viewed our motion rather with sympathy.

In regard to elections, on the last occasion when we considered the question of the forum by which election petitions should be decided, we suggested that the District Judge is the proper authority to go into the matter I do not know what is the experience of other Members. I know, for instance, that it is not right to give this power to the District Judges in the District Courts These are big powers. This has not worked well. I am anxious that this matter also may be gone into by the Select Committee, and some other way suggested out of the difficulty

I find that so far as bribery is concerned, opportunity has been taken to amplify the provision in regard to some other matters of controversy also and amendments are being made Apart from that, I want other Members should be allowed to put in their amendments I think even the provisions which are contained in this Bill are such that they require discussion by many Members rather informally at a Select Committee. If we are not going to have a Select Committee, my humble submission is this. You pass ordinary Bills. This Bill is not a

Bill of that nature. It is absolutely necessary, to my mind, to see that all the suggestions which are made by various Members and various bodies in the country are taken into consideration. Shri Naushir Bharucha has placed before us his motion about this Bill being sent to the country. If the Select Committee is not appointed, I would be rather agreeable to recommend to the House to accept his motion. After all, it is the country which should decide what is to be done. It is quite true that so many Members of this House have full experience of the elections. They are the proper persons to judge. If the Bill goes to the Select Committee, that would be good. If the Select Committee motion is not accepted, I think Shri Naushir Bharucha's motion must be accepted. When a Bill of this nature comes, we must know how the country thinks It affects each one of them. There are new proposals about identity cards, indelible inks, how to vote, on the same ballot paper or different ballot papers. These are matters in which every person is interested. The country should be allowed an opportunity to express its views before the Bill is passed. In the absence of the motion for reference to the Select Committee, I would appeal to the House to accept the motion of Shri Naushir Bharucha.

Shri Easwara Iyer: Of course, I have no objection in accepting all the names which my hon. friend Pandit Thakur Das Bhargava has mentioned While moving my amendment that this Bill be referred to a Select Committee so that it may report to this House, let me not be understood as opposing this Bill

After reading the Statement of Objects and Reasons appended to the Bill, I have been led to believe that there is a good intention and spirit behind the Bill, particularly, with respect to certain amendments that have been proposed, which, according to the framers of these amendments, as a result of the experiences that have been gathered in the light of the recent elections. But only the spirit in which the amendments are proposed is beyond reproach or is welcome or laudable.

So far as this Bill is concerned, we are not concerned with the good spirit or the laudable motive behind it. I am confessing a sort of disappointment on seeing how the good spirit and the good intentions are sought to be implemented by these amendments in their present form.

Broadly speaking, this Bill seeks to introduce certain amendments for the purpose of doing away with certain inaccuracies that have been felt during the course of the working of this enactment during the recent elections. According to the Mover of the Bill, these inaccuracies take the following forms. Firstly, there are impersonations; and secondly, the names of dead persons or persons who have ceased to have their ordinary residence at a particular place have been continued in the electoral rolls

Clause 9 seeks to empower the electoral registration officer with the power of deletion or correction. I may submit the entire clause itself for the consideration of the House:

> "For section 22 of the 1950-Act, the following section shall be substituted, namely:—
>
> "22. If the electoral registration officer for a constituency, on application made to him or on his own motions, is satisfied after such inquiry as he thinks fit, that any entry in the electoral roll of the constituency—
>
> (a) is erroneous or defective in any particular,
>
> (b) should be transposed to another place in the roll on the ground that the person concerned has changed his place of ordinary residence within the constituency, or

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(c) should be deleted on the ground that the person concerned is dead or has ceased to be ordinarily resident in the constituency or is otherwise not entitled to be registered in that roll.

the electoral registration officer shall, subject to such general or special directions, if any, as may be given by the Election Commission in this behalf, amend, transpose or delete the entry."

This is the new section that is sought to be introduced in place of the original section 22. On a reading of this section, it would appear that the electoral registration officer has been given unguided power to make deletions or transpositions even on the application of anybody other than the person who wants the deletion or the transposition. Leave alone the question of the dead. When it comes to the question of a living person, if somebody puts in an application, that the names of a hundred or two hundred persons may be deleted, then the electoral registration officer may either, *suo motu*, or on the application of any person, delete their names or make the transpositions, at any time he so chooses. There is no time limit within which he could act. The result will be, assuming that there is a case of a perverse electoral registration officer, he can exercise his power under this Bill to delete or transpose the name of any person, in fact, not only of a particular person, but even of the candidate for the election even after his nomination paper has been filed. This section does not even allow the elementary principle of reasonable opportunity that should be given to the person whose name is to be deleted for being heard before any action is taken. Of course, my hon. friend might say that we may take consolation in the fact that the section prescribes *that this power is always subject to the general or special directions of the Election Commission*, and, therefore, the matter is in the capable hands of the Election Commission. Without in any way belittling the integrity or capability of the Election Commission, I would respectfully submit that to leave matters in the capable hands of the Election Commission is not only not desirable but is not safe.

I have absolutely no quarrel with the Election Commissioner exercising the powers. But to say that it is subject to the general or special directions which he may choose to give, and then leave it in the mid air is a thing to which I am very much opposed. If my hon. friend says that the Election Commissioner is very capable, and we can entrust him with all these powers, certainly, I shall have no quarrel with that. But then, why should we have this Representation of the People Act, 1950 with all these procedures? We could have one section wherein we can say that 'For ensuring a fair and good election that may be conducted, we invest the Election Commission with all powers, and with powers to make rules for the purpose.'. Why should we have all these statutory safeguards? The necessity of statutorily safeguarding the rights of millions of voters who have to exercise their right of franchise is, I need not point out, always accepted by all the modern notions of election law. I am not saying that this section should not go into the Act at all. Certainly, the electoral registration officer might have some power of deletion or transposition. But the question is how he is to exercise it.

My hon. friend the Minister would say that it is always subject to the well-known principles of natural justice. There is no use of my hon. friend's saying that it is subject to the well-known principles of natural justice that no person shall be condemned without being heard. But where is the statutory safeguard for

this? Why can't we introduce a statutory provision in this behalf? I have given notice of an amendment for this purpose.

Shri A. K. Sen: We shall accept that amendment, because it is implicit. We have no objection in accepting that amendment.

Shri Easwara Iyer: It is not a case of my moving my amendment only. I am raising the question whether this Bill should be referred to a Select Committee or not.

I am pointing out certain defects which are inherent in this amending Bill, which must form the subject-matter of discussion by all political parties and by all persons. This is not a case where any particular party is interested in the Bill, as my hon. friend might say. I am only pointing out one defect which came to my mind at the moment, on a *prima facie* scrutiny of this Bill. More may occur to me, when there is a cool deliberation without any excitement. There is no use getting excited or being indignant over this. I am only pointing out one defect which occurred to me.

The next clause that I would deal with is clause 7 which reads:

"For section 19 of the 1950-Act, the following section shall be subsituted, namely:—

"19. Subject to the foregoing provisions of this Part, every person who—

(a) is not less than twenty-one years of age on the qualifying date, and

(b) is ordinarily resident in a constituency,

shall be entitled to be registered in the electoral roll for that constituency."."

A new definition is being given. The original section is to be substituted by a new section which enables any person of twenty-one years of age and who is ordinarily resident to be enrolled. Certainly, it is a welcome amendment. But the dangers inherent in it are there.

The original section 20(1) defined 'ordinarily resident' as any person having possession of a particular dwelling house or owning a dwelling house That is now given the go-by. On reading the notes on clauses, I find that there is a complacent belief that there are sufficient safeguards existing in the common law or any other law to define who is ordinarily resident. But I am not so confident as the framers of this Bill in finding out what is 'ordinarly residence'. Does it mean residence in a particular place? Does it contemplate living inside a house, hut or a shop, or a shop verandah, or a roof over the head? There are persons who might be passing their days in a hotel room continuously for a number of years in a particular locality. Are they not ordinarily resident there? There are persons who have been pursuing their avocations in life, working, begging or doing nothing in a particular locality. I am only suggesting the possibilities. Are they ordinarily resident, or are they not ordinarily resident therein just because they have not got a roof over their head?

Of course, the common law definition of 'ordinary residence' is there. The hon. Law Minister might say that anybody having a temporary or fleeting *sojourn* in a particular locality is not ordinarily resident. But there is no use of depending upon these legal jargons. Let us have a definite position as to who is ordinarily resident in a particular locality. These are very ticklish problems. It is not that I am capable of giving an immediate answer to these things. These are matters which every representative of the people must discuss, deliberate upon, and then a conclusion must be arrived at. That is why I have moved a

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motion for reference of this Bill to a Select Committee.

There is another point. Take, for example, the issue of identity cards. Clause 25 postulates the necessity of issue of identity cards with or without photographs. I am not questioning the need for issuing identity cards. It is a very ideal position. It is a thing which may be desirable, but the question is whether it is feasible or practicable. Can we supply 200 million voters with identity cards with photographs, leave alone the question of expenditure that may be involved, to the tune of about Rs. 15—20 crores? 'Identity cards with or without photographs'—that is the exppression used. Suppose we issue identity cards without photographs. Does that in any way minimise the chances of impersonation?

An Hon. Member: It does.

Shri Easwara Iyer: I am not quite sure about it, though my hon friend says that it does. Even for Members of Parliament, identity cards without photographs were given at one time but I do not know why a change came in none. I do not want to comment upon that. If identity cards are to be issued with photographs, what about those persons who may be coaxed or cajoled or even implored to come over on election day to exercise their right of franchise but who are superstitious or have religious or sentimental objection to their photographs being taken and they do not want a permanent record of their faces, handsome or ugly? There may be cases of women in purdah—Muslim and Hindu—who may have every objection to their photographs being taken. They may have no objection to exercise their franchise by going to the polling station and voting. These are all matters that have to be considered. For my part, I would say that if it is feasible to give all the electors in this country identity cards with photographs, it certainly reduces the chances of impersonation. But the question is whether it is practicable. Therefore, I have tabled an amendment saying that identity cards with photographs may be issued, but the procedure will not be adopted until the Election Commission is satisfied that all electors are issued such identity cards. This is a suggestion I am making for the consideration of the Law Minister.

These are all matters we must consider seriously before we come to the conclusion that after all this amending Bill is very simple and it requires no consideration, and therefore, it must be passed. I respectfully submit that in matters like this where the right of millions of voters to exercise their franchise—it is a very valuable right—is involved, where we are seeking to invest the authorities with more powers, where we are wanting to drive the thin end of the wedge by introducing identity cards, we must let the people express their opinion. I am not saying this as a criticism, but suppose it is said in criticism that by saying that identity cards with photographs will be issued to all electors, you are driving the thin end of the wedge so far as adult franchise is concerned; because only those persons who are literate or educated may come and claim their identity cards. Certainly, this may be a criticism that may be levelled against us. I am not saying that it is a good criticism. But certainly these are all matters which have to be deliberated upon. So the provisions introduced in this Bill are matters which should be considered more seriously.

Then I come to section 7(d) of the Representation of the People Act, 1951. I must confess to a certain amount of bewilderment whether the proposed amendment constitutes an improvement upon the original provision. That is a matter that is not beyond doubt. The proposed amendment says:

"If there subsists a contract entered into in the course of his

trade or business by him with the appropriate Government for the supply of goods to, or for the execution of any works undertaken by, that Government".

Of course, they say that this is intended to do away with any harm that may come to any person who may enter into a fleeting contract with Government, say, for radio talk—in fact, the Notes of clauses refer to radio talk. But I do not know what is the position of a lawyer who is engaged by Government, because what does the provisions say?

"If there subsists a contract . . for the execution of any works undertaken . ."

The Minister might say that the employer-employee relationship may not subsist between a lawyer and his client Certainly I agree. But is it not a contractual relationship? If the work undertaken by a lawyer for Government is hit by this provision, does this in any way improve the position? I am only citing the example of a lawyer. So that it is not an improvement on the original provision and the results which are expected to follow by this amendment will not follow.

We are really glad that some of the suggestions given by Shri Tangamani in his private Bill providing for contingencies where the candidate retires are accepted. This is welcome improvement upon the Act.

As I said, the spirit and the intention by which this Bill is brought forward admits of no quarrel, but when it comes to the question of implementation of these provisions, dangerous and explosive results might follow, and in order to avoid all these things, I would respectfully submit that the Law Minister might agree to reference of this Bill to a Select Committee for discussion and deliberation lest we should be faced with the charge that we have passed a Bill affecting the rights of millions of voters in a hurry. As we know, the election machinery must be free and fair and we must keep the springs of democracy active and unsullied so that it may be a credit to the nation.

Shri Naushir Bharucha: The two hon. Members preceding me have in a large measure justified my motion for circulation of the Bill for the purpose of eliciting public opinion by the 1st February, 1959. The hon. Minister in charge of the Bill has given the reason that because the qualifying date has to be advanced, there is urgency of the Bill. If that were so, I would appeal to him to bring that particular clause only now for adoption, and then bring in a more comprehensive measure.

I for one am not satisfied with it. If for ten years revision of electoral rolls could be carried on somehow or the other without revision, adding a year more to that is not going to make any material difference. The two previous speakers have shown to what large extent the implications involved in the amendments will affect the various people, apart from the candidate themselves. I shall only deal with three or four major points to bring out what is intended by my motion for circulation.

The first is about clause 15 which relates to the mischief of section 7(d). In so far as it goes, I fully approve of it. But if you are removing a disqualification, as intended in the Statement of Objects and Reasons, such as that consequent on a Member having gone and given a radio talk on payment, it is very necessary that you should insert another clause side by side to the effect that this particular clause shall be deemed to have been there in the original Act, so that retrospective effect is given to it; otherwise, I do not know—I cannot say—how many Ministers have already incurred a disqualification if it be held that a radio talk on payment is a disqualification. It is therefore necessary that retrospective effect should be given.

[Shri Naushir Bharucha]

The second point is: Are you sure that having amended sub-clause (d), in this particular form, we have overcome all the difficulties? I am not quite sure. Nor am I prepared, on the spur of the moment, to give out a draft which would satisfy all reasonable eventualities.

My hon. friend Shri Iyer speaking on this said that probably a lawyer appearing on behalf of Government, accepting a brief on behalf of Government would come within the purview of that clause. I do not think so because performance of a contract for execution of works is not the same as appearing on behalf of Government. There may be other cases which might specifically be brought within the ken of this amendment. But I for one have always been of the opinion that whenever a question relating to disqualification of hon. Members comes, the ultimate authority for decision must be given to the court; let it come to a conclusion as to whether in its opinion the contract or the influence or honour attaching to any office or any remuneration received is of such a trifling character that an ordinarily prudent man would not be influenced in his judgment or in his duty as a legislator. Then, I think, notwithstanding that being a disqualification the court can say that it is not a disqualification.

If we see the Bill as it stands, on page 6, 'bribery' is defined. It is said—

> "any gift, offer or promise by a candidate or his agent or by any other person of any gratification, to any person whomsoever, with the object, directly or indirectly of inducing—
>
> a person to stand or not to stand as, or to withdraw from being a candidate at an election;"

Even if I talked to a rival candidate over a cup of tea and refreshments, it might be held that this is bribery and I am inducing him to withdraw from the contest. These things require to be considered carefully. Therefore, you should, as I said, have an omnibus clause which entitles the court or the tribunal to pronounce an opinion. If it comes to the conclusion that the bribery or illegal gratification or any other consideration which entails this disqualification is of such a paltry and trivial nature that in the ordinary course any prudent man would not be influenced in his conduct by that, then, in that case, the court should have the power to say that it is not a disqualification. Unless you have that safety valve, I am afraid there might be cases in which, on petty things, one may get tripped and may have to forfeit his seat. So far as (d) is concerned, I lay stress on this.

Then, it is proposed that section 8 should be repealed. Clause 16 says that clauses (c) and (d) of sub-section (1) shall be deleted and sub-section (2) shall be omitted. Section 8 of the 1951 Act relates to savings from disqualification. If you omit these two sub-clauses (c) and (d), I do not know how exactly it will help Government. I am of opinion that this question requires very thorough consideration.

Then, I come to the next important point, about clause 21, which amends section 52 regarding the death of the contesting candidate. I have always felt that there should be a limit so far as the death of the contesting candidate during the course of the election is concerned. The limit should be that if he dies prior to the date of withdrawal, then only fresh elections should be ordered. What happens actually is this. Unfortunately, a rival candidate dies and all the remaining contesting candidates have to go through all the expenses and the entire election has to be started afresh with nominations. Why can we not avoid that? It might be argued: what is that section of voters to do if a candidate put up by them dies? It

might be a misfortune and the constituency might have to put up with it. But I am of the view that just because on the eve of the polling day the candidate dies the election should not be stopped. That entails inconvenience not only to the entire constituency but also to the candidate who has got to start his election expenses afresh. This point also requires to be looked into. That is why I have offered the suggestion to send this Bill for eliciting opinion or to send it to the Select Committee. These are very useful suggestions and should be accepted.

Then with regard to the question of voting by post, as regards Ministers and government servants on duty elsewhere than their constituencies, I do not know how far the amendment is going to help matters because unless a Minister specifies his intention at least a week before, how is the ballot paper to be prepared and sent to his place? Take, for instance, my hon friend who comes from Calcutta and his name is included in a particular constituency there. He happens to be at Bangalore and he does not know whether on the polling he will be there or not. He wants to vote at a particular place. How is that going to happen because the polling officer of that place may say, 'I do not know you; your name is not here' How is that difficulty going to be overcome? That has to be looked into.

The reason why this clause was incorporated was that the election machinery has got to be sure whether the particular man will vote so that his ballot paper may be sent to that particular place. All these things require to be considered; and that is another argument for sending the Bill to a Select Committee.

Then, I come to the most fundamental provision about identity cards. This suggestion can be implemented only in the case of cities. My hon. friend, Shri Iyer, was right when he said you cannot issue these identity cards in the villages. The scheme may be implemented in cities where the total number of cards required would be 60 or 70 million. It reduces impersonation in many ways provided the identity card contains certain specific information.

I am suggesting to the hon. Minister to consider the desirability of killing two birds at one stone. If the State is going to incur the expenditure of issuing identity cards, let them be issued in the same form in which the candidate issues voting slips to their voters. Therefore, I was suggesting that the identity card may be a card containing the elector's name and address together with his number in the relevant electoral roll, the number and the page in which his name appears, description of the constituency and address of the polling station where the elector has to vote. Probably, the last thing may not be feasible; I can understand that. If this is done, what happens? All the candidates are saved the trouble of sending out voters' slips. And, the advantage of it is this, that if they are distributed through a government agency, then, even assuming for a moment that somebody wants to impersonate, he will have to approach the man and obtain his card or he may have to pilfer it or get it by some unfair means or other. Normally, the presumption is that a man is responsible for his card until he shows that it was pilfered or taken away in circumstances beyond his control. Therefore, it will require two men to effect one impersonation. Today what happens is that even where a person does not want to co-operate with the impersonator, a man can go to the polling station and give his name as the voter's name and cast his vote, so that when the genuine voter goes, he finds that his vote has already been cast and he has no effective remedy. It is no use saying that he can make a complaint so that his vote is recorded separately and afterwards it may be taken into consideration.

I am, therefore, suggesting that if the State issues identity cards in this

[Shri Naushir Bharucha]

form, the candidates will be saved the bother of issuing them. After all, whatever expenditure a candidate incurs is also a part of the national expenditure. If this is done, impersonation will be minimised in several ways. In the first place, it is very difficult for a man to part with his own card. Secondly, he will understand that if he parts with his card, he incurs the liability of being held as a co-accused with the man trying to impersonate or of abetting impersonation. If such a card is given, then every voter knows exactly that he has got a right to vote. He has been reached and he will naturally be induced to go personally and vote. I am deliberately saying that age should not be mentioned in this card. Often it may happen that a man who comes to acquire a card by unfair means does not know who the rightful owner of that card is and age might be one way in which he could be detected That brings me also to another question In our electrical rolls, along with the names, the ages are also mentioned It is a wrong thing. The age should not be mentioned. It should be kept separately in the original application and it may be used as a test check.

16 hrs.

Today our experience, at least in Bombay city is this. When an impersonator goes there, suppose he wants to impersonate for A. He finds the age of A to be—let us suppose—30. So, the gang which organises impersonation will find out an impersonator round about that age. If the age is not mentioned in the electoral roll, the man would not know whether that particular voter is 30 or 60. If that information is supplied to the ballot issuing clerk, he will immediately be able to check it up.

These are the various ways in which fraud can be minimised. Nothing can be fool-proof and knave-proof. But the issue of these identity cards would certainly minimise impersonation to a large extent and also save the candidates large expenditure to which they are put. But there is one difficulty about the issue of these identity cards. Even if you confine it to cities, the difficulty would be there. You will have to issue round about 60 million cards and they will have to be issued in a comparatively short space of time of about 15 or 20 days prior to the polling day because until then it will be extremely difficult to mention the polling station and other things, their location, etc.

These are various matters which require to be considered by a Select Committee. Nobody is prepared to offer off hand advice one way or the other. There are numerous other reforms which require to be incorporated in this Bill. For instance, take the matter of voting, and the issue of one ballot paper and asking the voters to put a cross. By far a large number of people does not know how to hold a pencil; they have never held a pencil in their life-time and so they can not put a cross. Can we not find out some fool-proof remedy? Instead of putting a cross against the name of the candidate, he can be asked to punch a hole say, with a thorn or sharp point It is a very simple thing and there is no question of using a pencil. Things like that could be thought of and incorporated

It is very necessary that the experience not only of the hon. Members but the public outside, political organisations which have fought and lost the elections who have learnt lessons from the bitterness of loss—all their experiences can be got and a comprehensive Bill can be brought forward in this House. I would, therefore, appeal to the hon. Minister to consider the amendment for circulation for eliciting public opinion. Or, I would support even the amendment for referring it to a Joint Committee.

Shri D. C. Sharma (Gurdaspur): Sir, I should be pardoned if I say that this Bill is one of the Bills of the highest magnitude which this House

has been called upon to consider. Of course, other Bills are important but I believe no Bill affects numerically, politically and ideologically such a large number of persons as this Bill does. It affects not only the fortunes of those who have the good fortune of being elected to various assemblies and the Lok Sabha but also the fortune of those who do not get themselves elected to these bodies. I, therefore, think that this Bill should not be dealt with in a half-hearted fashion. This Bill should be given the utmost consideration and we should be asked to pool our experience, of the happy kind and also of the unhappy kind, so that we can make this Bill as good and as effective as possible.

All the persons who are present in this House now and even those who are not present have gone through the elections and I believe that all of them have suffered from the mischief of some of the clauses given in the original Bill. As I look at this Bill which has been brought forward today, I feel that the amendments which are proposed in this Bill are done without taking due note of the realities of the situation, without paying any heed to the experience that we have gained all these years by means of elections. I feel, therefore, that we should subject the whole Bill to a thorough examination and not only a few of the clauses of the original Bill.

Now, I would not mind if Shri Bharucha's amendment is accepted because I know in this matter, the elected persons, the defeated persons and the voters are all co-partners and I believe sometimes the voter may have much more to say on this subject than even the person who has been elected. After all the voters are more in the thick of the fight in some respects than even the candidate at the time of the elections. I would not mind that because I think that by doing so we would be able to bring forward a Bill which capitalises the experience not only of the Members of the Lok Sabha but also of the voters.

But, perhaps it may be objected to on the ground that it will take more time than the Ministry can give. But I do not see any objection in referring this Bill to a Joint Committee. We have now had the happy experience of having consultative committees attached to every Ministry. My feeling is—I submit it very respectfully—that before any Bill is brought forward and particularly whenever a Bill is of a very important kind, that Bill may be discussed with the consultative committee. I think the Members of the consultative committee are also Members of the House and they may be able to give some suggestions. But the discussions in the consultative committee will not obviate the necessity of placing it before the Joint Committee. I do not say that the consultative committee should be a substitute for Joint Committee. But, I think that most of the Bills which are not of such importance as this Bill can be referred to consultative committees before they are brought forward in this House. Therefore, I would submit that there should be a unanimous vote in favour of the amendment put forward by Pandit Thakur Das Bhargava or my hon. friend, Shri Easwara Iyer.

I would also submit that the whole problem of election petitions requires re-thinking. We know how the election petitions are filed. We also know how they are decided. We know how sometimes people run the mischief of these election petitions due to something for which they have been partly responsible but are not fully responsible. Therefore, if other sections of society require protection at the hands of Government, I believe, Sir, that Members who have been elected to Lok Sabha and State Assemblies also need the protection of Government. One way of giving them protection is that the law relating to election petitions should be made as precise, as definite and as devoid of mischief as possible. Therefore, that aspect of the matter should be reconsidered. I will, for instance, put a problem to the

[Shri D. C. Sharma]

hon. Law Minister. A Member of Parliament has to work in harmony or in collaboration with some members of the Assembly. Now, what is going to happen? Is he going to share the expenses with the members of the Assembly. If he is going to do that, in what way is he going to do that, what is going to be the procedure? That is one problem. Then, so far as the election agents are concerned, what is going to be done? I think we should give definite categories of those persons who can be appointed as election agents, because I know that some persons have suffered only because of ignorance of these things. Therefore, if there is one Bill where there is need for precise definition, for precise enunciation of policies and of measures, I think it is this Bill.

Again, we know that mostly these election petitions are given over to District Judges. They are all admirable persons and I have nothing to say against them. They do their duties very well. But I feel that when an election petition is filed, it is very often a *bona fide* election petition and very often it is not. So many things come into play when election petitions are filed Therefore, the election petition should be decided by a person who is as far removed from any kind of political pressure as possible. Therefore, it has got to be thought out whether election petitions should be handed over to District Judges or to functionaries of a higher kind.

Then I come to the question of accounts. I thank the hon. Law Minister for having simplified the accounts to some extent. The Bill which we are seeking to amend today was a great improvement upon the Bill which was there. But even now, I should say, you have to protect us against the cumbrous, elaborate and exacting duty of keeping these accounts in the fashion which is prescribed. It is because we cannot campaign for our election, fight for our election, tour our constituencies and, at the same time, become accountants of ourselves. These two things, accountancy and campaigning, cannot go together. If you think that these two things can go together, I think we are asking for something which is not possible. Therefore, whereas the element of campaigning may be maximised so far as elections are concerned, the element of accountancy should be minimised and should be made as simple as possible. I know some of our friends get into trouble only because of some little accountancy defect here and there. All these things have, therefore, to be taken into account.

But the most difficult thing is this. Of course, I should say that we have no hand in it. But, Mr. Deputy-Speaker, I would plead with you, I would request you, Sir, that we should be saved from the vagaries of the Delimitation Commission. You go to sleep one day thinking that you belong to a particular constituency, but you wake up the next morning to find that that constituency has vanished. This is the sort of thing that has been happening. I should suggest to the hon. Law Minister that he should do something so that the delimitation of constituencies does not remain such a sacrosanct thing. I can speak from personal experience that the constituencies which we nursed for five years, the constituencies which we toured for five years, the constituencies for which we worked for five years, disappeared in thin air on account of the whims and vagaries of some persons. I do not know who those persons are: they may be admirable persons; but I submit that we Members of Lok Sabha and State Assemblies should be protected against this kind of thing. For instance, Sir, one day I went to sleep thinking that I was going to represent Hoshiarpur, but the next morning I found that the Hoshiarpur constituency had changed in such a way that for a man like me there was no place in Hoshiarpur constituency. How did that happen? Why did that happen? Of course, I do not attribute any motives to anybody; but it did happen.

I had nursed that constituency for five years, and one fine morning I found that that constituency had changed its character. Therefore, Sir, you should protect us against these geographical contingencies which the Delimitation Commission brings on us.

We are giving, I believe, too much power to the electoral registration officers. Of course, we are also trying to say that if they go wrong we can also punish them. To some extent that is true. But why do you place an officer in a contingency where you think he may err, where you think he may be liable to punishment, where you think he may not act according to the best interests of the public? I would therefore say that the electoral registration officers and the assistant electoral registration officers should be given very simple things to do, and they should not be invested with judicial and magisterial powers to remove persons, to do this and to do that. I believe, thereby you are making those persons something which will not be conducive to the smooth running of democracy.

Sir, much has been said about clause 15 which replaces Section 7 of the 1950 Act. Here it is said:

> "If there subsists a contract entered into in the course of his trade or business by him with the appropriate Government for the supply of goods to, or for the execution of any works undertaken by that Government;"

I know, Sir, this is much better than what we had before. We have to define "works". The clause says, "....or for the execution of any works undertaken by that Government;". What kind of work is this? For instance, if I am asked by the Sahitya Akademi to translate a book into say Hindi or Punjabi or English, I think that is the execution of a work. If I am asked by some other body to write a report or to do something else and get some little honorarium for that, that will also come under the mischief of this clause. Therefore. I think that whereas the first part of this clause is drafted very well, the second part, namely, the "execution of any works" is very vague. It is very difficult and very hard to define.

And then, take the words "by that Government". You know this word 'Government' has become a mammoth thing. I do not think there is any aspect of our life, big or small, which is not covered by Government. For instance, what are the Corporations? what are other similar bodies? They are all Governments for this purpose, I believe. Everything under a welfare State, a socialist State, comes under the definition of "Government". Therefore, we should try to define what type of Government is meant here—whether it is the executive Government or some other Government. Hence, I think that even here there is need for clarification.

Much has been said about the identity cards and photographs and all that. I have a little experience of university life, and I will submit very respectfully that in every university we have large numbers of private candidates taking the examinations. I would also say that among those private candidates there are cases of impersonation. I would also say that among those private candidates there are some cases of unfair means. Both the things are there. But I would say that these cases of unfair means and impersonation occur even when every private candidate is asked to send his photograph along with the application for sitting in an examination. Now, if there can be an impersonation in an examination which covers a few thousand persons, in spite of the fact that the university office has had that gentleman's photograph and everything, I do not see any reason why there should not be an impersonation when you are dealing with crores of people, human nature being what it is. Therefore, I say that this kind of identity card business, this kind of photograph business, should be done away with.

[Shri D. C. Sharma]

In the first place, we are short of raw film these days. I find accounts in the newspapers where the photograph sellers are saying that films should be exempt from any duty, and they are saying that their goods are also in short supply. All that complaint is there We are not giving them that amount of film which they require. Members must have seen accounts of that in the papers. On top of it, we want that every voter should have a photograph and every voter should have an identity card. I think an identity card without a photograph is futile and is useless But an identity card with a photograph is no guarantee against impersonation. I therefore think that this provision should be done away with.

Mr. Deputy-Speaker: The hon Member's time is up He has already taken about 25 minutes.

Shri D. C. Sharma: Two minutes more, because I am coming to a very important point. I refer to clause 34 where corrupt practices are referred to, such as "any gift, offer or promise by a candidate or his agent or by any other person . . " etc.

Suppose I go about campaigning and I offer something to somebody without knowing whether he is such and such a person or not; or I ask somebody to come in, or somebody jumps into my jeep when I am going away. All these things will come under the mischief of this clause "Any gift, offer or promise...." Not only that. It is "by a candidate or his agent". Do you mean to say that the agents, say, of the Lok Sabha Members should be put in here? Are they our relations or are they are our kith and kin? We do not know them Therefore, that has to be clarified. Further, it is said, ".....by any other person". My God! This is a clause which is fraught with the greatest mischief. These things have been put in as if we are not ourselves there to incur the disqualification! Agents have been mentioned. How many agents do we have? I think I had about 400 or 500 agents. Anyhow I say that these agents are all of my creation. Take again, "any other person". So, any person can create trouble for us. Hence, I say that this "any other person" should be taken away from the clause altogether.

I submit respectfully that this problem requires rethinking, a rethinking in a very detailed and comprehensive manner, a rethinking in a manner which will protect the elected members and which will also give due assurance to the electors who elect them.

Shri L. Achaw Singh: Mr. Deputy-Speaker, Sir, my motion is for reference of the Bill to a Select Committee First of all, I would like to submit that the Bill is a very controversial one. It refers to several sections of different enactments. The major enactments are of course those of 1950, 1951 and the second amendment of 1956 There are also some minor amendments introduced and enacted in 1956. The enactment here as well as the amendments already made seem very confusing and complex. It was expected that the Minister in charge would introduce a very comprehensive Act and that all the other enactments would stand repealed by that comprehensive Act That is why I have moved a motion for reference to the Select Committee. In that case, it will be possible for the Members of the Select Committee to study thoroughly all the various aspects of the Bill and also suggest improvements so that all those suggestions and improvements may be incorporated in the comprehensive Act.

For example, I want to refer to section 5 of the second amendment Act of 1956. Perhaps that has not come to the notice of the hon. Minister. It refers to the Council of Advisers associated with the Chief Commissioners of Tripura and Manipur. That is no longer necessary now, because there is no question of advisers and

under a wide section of the Act, the provision disqualifies the holders of those offices from contesting any election for Parliament. That is not necessary now. All these things should have been studied thoroughly. The hon. Members who have spoken before me have already laid emphasis on the necessity for reference to the Select Committee. I would, therefore, refer to some clauses of the Bill which are more controversial. They are clauses 11, 15, 16, 17, 19, 23, 25, 32, 35 and also 34. I will take up these clauses and say a little on some of them. Clause 11 provides for punishment for making false declarations, at the time of entering in the electoral roll by persons who want to have their names entered in it and also for breach of official duties by the electoral registration officers. Those who make false declarations are penalized with imprisonment of one year and with fine. The amount of fine or the maximum amount of fine has not been prescribed here. Moreover, the term of one year's imprisonment would be too much. I think six months should have been sufficient. The lacuna is that no amount of fine has been fixed. In the case of officers guilty of breach of duty, there is only provision for fine, but not imprisonment, which also should be there.

Clauses 16, 17 and 18 refer to contract. The ruling party is given powers of conferring patronage in the form of contracts, subsidies and grants. It interferes with free and fair elections. I do not know how some contracts have been included here for disqualifications and some others are excluded. Only two kinds of contracts are included. Contracts are contracts after all and they confer benefit upon the receiver. I feel that anyone who enters into any sort of contract with the Government at the time of election, whether for a number of days or months, whatever the period be, he should be disqualified for that period.

Clause 23 refers to section 56 of the 1951 Act. This section is proposed to be amended and an eight-hour poll has been fixed for parliamentary and Assembly constituencies. But there is no provision for the Council constituencies. I find there is a vacuum created and it has to be filled. The time-limit has to be prescribed for election to Council constituencies also.

Clause 25 introduces a new system of issuing identity cards. Several speakers have referred to the feasibility or otherwise of this measure. I also feel that it will not be practicable in the case of a vast number of rural voters. Even in the case of city voters, it will be very difficult for the present. So, exhaustive measures should be taken to implement that scheme. This is, of course, a good scheme and we give our support to it.

Clauses 32, 33 and 34 refer to the refund of costs at the time of contesting an election in the Election Tribunal. It extends the period of making applications from six months to one year. I do not find any reason why the time should be extended. They should be allowed to make an application for having their cost out of this security deposit within a period of one year, it should not be extended beyond one year.

15.35 hrs.

[SHRI BARMAN *in the Chair*]

Clause 34 seeks to amend section 133(1) of the 1951 Act. It includes acceptance of gratification as a corrupt practice. In the 1951 Act there is a list of major and minor corrupt practices and it is good that acceptance of gratification has been included in that. But I feel that it should be thoroughly studied. I find in many cases, people receive some sort of gift or bribe from the candidates. That cannot be detected at the time of the election, but after the election, you will find that in many places some clubs and schools are constructed and some feasts are given. I submit that some stringent measures should be taken to deal with this practice.

[Shri L. Achaw Singh]

I feel that the election procedure should be thoroughly overhauled. Our system of election gives us the opportunity of having a minority Government. The Congress Party has secured only 45 per cent. of the votes polled last time, but they are in power. The system of elections should be changed. The different legislatures and the Parliament should reflect the number of votes polled by the different parties. I find that the rules framed by the Election Commission and by different executive orders are very much discriminatory in nature.

In our case, the delimitation order prescribing a reserved seat for the Outer Manipur constituency has been very much discriminatory to some voters there. About 3,000 voters have been compulsorily included in the list of voters for the reserved seat. They have been deprived the right of choosing their own candidates from among themselves, because they have to vote for the candidate for the reserved seat, who happens to belong to a different community.

Under the existing rules, only three parties have been recognised by the Election Commission and given permanent symbols. It has created difficulties for other parties and it has sometimes led to absurdity. For example, in a double-member constituency, one candidate and his running mate cannot get identical symbols and they are at a disadvantage, because they are compelled to frustrate an illiterate electorate with different symbols.

Again, these parties are gifted with a sum of Rs. 8 lakhs in the form of free voters' lists. This is a corrupt practice undertaken by the Government and this fouls the entire election. I will just point out how. The procedure laid down for "the recognition of the parties is nothing but discriminatory. Under the existing rules, all that a party has to do for recognition is to set up a sufficient number of candidates. It need have no organisation, no membership, no committees and no criterion for the choice of its candidates. It can just hold up the next person in the street and give him a label. That is the system prevailing here.

Article 14 of the Constitution guarantees equality before law and equal protection of the laws. Then again, article 326 guarantees adult franchise as the basis of election except in the case of crime or lunacy. If you read these articles of the Constitution, separately or jointly, our procedure and rules are nothing but *ultra vires* So, I would suggest that the Bill should be referred to a Select Committee, and all the suggestions made by the various hon. Members should be taken into consideration and all the aspects of the Bill should be thoroughly studied.

श्री राम कृष्ण : सभापति जी, जो मेरा मोशन है उस का मतलब यह है कि इस बिल को सिलेक्ट कमेटी को रेफर किया जाये, जैसाकि मेरे से पहले बहुत से आनरेबल मेम्बरान ने भी इस तरफ ध्यान दिलाया है। इस बिल मे बहुत से ऐसे अमेंडमेंट्स हैं जोकि बहुत अहम हैं और उन को एडाप्ट करने से जो मौजूदा ऐक्ट है उस के ऊपर बहुत ज्यादा असर पड़ेगा। मैं खास तौर पर चन्द अमेंडमेंट्स की तरफ ध्यान दिलाना चाहता हूं।

सब से पहले क्लाज़ नम्बर १५ है। यह अमेंडमेंट भी बहुत जरूरी है। इसी तरह क्लाज़ नम्बर ३४ है जिस के बारे में मेरे से पहले एक आनरेबल मेम्बर ने भी ध्यान दिलाया था। इस क्लाज को एडाप्ट करने से यह असर होगा कि इलेक्शन पिटीशन फायल करने के लिये बहुत आसान तरीका बन जायगा और आसानी से पिटीशन फाइल हो सकेगी। इसलिये यह जरूरी है कि इस

बिल को सिलेक्ट कमेटी को रेफर किया जाये ।

इस के अलावा दूसरी बात यह भी है कि बहुत से जो ओरिजनल ऐक्ट के अन्दर सेक्शन हैं उन को अमेंड किया जाना मैं बहुत जरूरी समझता था। लेकिन इस तरफ कोई ध्यान नही दिया गया । आनरेबल डिप्टी मिनिस्टर ने भी इस बात का जिक्र किया है कि यह बिल कम्प्रीहेंसिव नही है । इसलिये मैं अपील करूंगा कि इस बिल को सिलेक्ट कमेटी को रेफर किया जाये ताकि और दूसरे अमेंडमेंट्स भी लाये जा सके ।

सब से पहले मैं आरिजिनल ऐक्ट के सेक्शन ८५ की तरफ हाउस का ध्यान दिलाना चाहता हू । इस सेक्शन मे दर्ज है •

"If the provisions of section 81, section 83 or section 117 are not complied with, the Election Commission shall dismiss the petition

मैं सीधा सवाल आनरेबल मिनिस्टर से करता हू कि आज तक कितने पिटीशन डिसमिस किये गये । मेरी जहा तक इनफार्मेशन है, इस सेक्शन के तहत कोई भी इलेक्शन पिटीशन डिसमिस नहा की गयी, जिसका नतीजा यह हुआ कि तमाम पिटीशन इलेक्शन ट्राइबनल को रेफर कर दी गया । जब कि वर्ड "मे" के बजाये "शैल" यूज किया गया है तो क्या कारण था कि उन पिटीशन्स को डिसमिस नहा किया गया । इससे क्या हुआ ? गवर्नमेंट का काफी नुकसान हुआ । बहुत से ट्राइबुनल मुकर्रर करने पडे । जो पिटीशन फाइल होने के एक महीने या दो महीने के अन्दर अन्दर डिसमिस होने चाहिए थे, हो सकता है कि उनमें से बहुत से पिटीशन्स के मुताल्लिक अब भी हाईकोर्ट या सुप्रीम कोर्ट में कार्रवाई हो रही हो । इसलिए मैं समझता हू कि इस सेक्शन को भी अमेंड करने की जरूरत है ताकि जो भी पिटीशन इन क्लाजेज के तहत पूरा न हो उसको डिसमिस किया जा सके । •

इसके अलावा, जहां तक इलेक्शन ट्राइबुनल को एपाइट करने का ताल्लुक है, इसके बारे में मैं सिर्फ इतना ही कहना चाहता हू कि मै इस राय से मुत्तफिक नही हू कि डिस्ट्रिक्ट जज को इलेक्शन ट्राइबुनल मुकर्रर किया जाये। इसके दो कारण है । आपने यह तो कहा है कि जो भी पिटीशन फाइल किया जाये उसका ६ माह के अन्दर अन्दर फैसला हो जाये । मै मालूम करना चाहता हू कि अब तक कितने ऐसे पिटीशन है जिनका फैसला ६ माह के अन्दर हुआ है । डिस्ट्रिक्ट जज को एपाइट करने से टाइम काफी लगता है क्योंकि उसके पास पहले से काफी से ज्यादा काम रहता है। इसलिए वह पिटीशन्स की तरफ ज्यादा ध्यान नही देता । दूसरे वह जानता है कि जो केसेज वगैरह करने का उसको क्रेडिट मिलता है उसमें इलेक्शन पिटीशन का काम शामिल नहा होता । इसलिए भी वह उस तरफ ज्यादा ध्यान नही देता । मेरा यह मतलब नही है कि मैं किसी खास जज या किसी इलेक्शन ट्राइबुनल के बारे मे कुछ कहना चाहता हू । दूसरी बात यह है कि जो डिस्ट्रिक्ट जज होते हैं वे स्टेट गवर्नमेंट के इनफ्ल्यूएंस में होते हैं जिससे कि इलेक्शन पिटीशन्स का फैसला कई हालात मे ठीक तौर पर नही होता । इसलिए इस सेक्शन को भी अमेंड करने की जरूरत है । एक मकसद के लिये मैं ने एक बिल भी पेश किया हुआ है । उसमें और भी बहुत से सेक्शन्स का अमेंड करने का जिक्र किया गया है ।

इस बिल में सेक्शन ५५ ए० को एक क्लाज के जरिये डिलीट कर दिया गया है । यह बहुत अच्छी बात है, क्योंकि जब से सेक्शन ५५ ए० रखा गया था तब से उसकी वजह से इलेक्शन के अन्दर भी बहुत सी पेचीदगियां पैदा हो गयी थी और जो इन्तिजाम करने वाले थे उनको भी दिक्कत का सामना करना पडता था । यह तजवीज बहुत अच्छी है । मैं इसकी ताईद करता हू ।

[श्री राम कृष्ण]

लेकिन इसके साथ-साथ और भी बहुत से सेक्शन्स है जिनका मै ने अभी जिक्र किया। उनको अमेंड किया जाना जरूरी है और वह तभी हो सकता है जब कि इस बिल को सिलेक्ट कमेटी को रेफर कर दिया जाये। मै इस बात को मानता हूं और मेरा यह ख्याल है कि यह बिल बहुत अहम है। इसका असर तमाम देश के लोगों पर पड़ेगा। हम जितने भी यहां चुनकर आये हैं उनको काफी तजर्बा है कि इलेक्शन्स के अन्दर क्या-क्या खास दिक्कतें आती हैं। इस अपने पिछले तजर्बे की बिना पर आज हमें यह कोशिश करना चाहिये कि इस बिल को अमेंड करके उन दिक्कतों को दूर करें। इसलिए मै इस बात को मानने के लिए तैयार नही हूं कि इस बिल की अहमियत बहुत कम है या इसको सिलेक्ट कमेटी को रेफर करने की जरूरत नहीं है। ये तमाम चीज़ें तभी हो सकती है जब इस बिल को सिलेक्ट कमेटी को रेफर कर दिया जाये ताकि वह जब नया बिल पेश करे तो वह ज्यादा कम्प्रीहेंसिव और इग्ज़ास्टिव हो।

मैं ने इसके बारे में इतना ही कहना था।

Shri Liladhar Kotoki (Nowgong): I feel that although the amending Bill is a small one the amendments that have been proposed in the Bill have got far-reaching effects, because they are bringing very many new sections. Therefore, I feel that it should be very thoroughly examined and so it should be referred to a Select Committee.

As regards the 1950 Act, by clause 9 of the Bill, it has been sought to give very wide powers to the electoral registration officer. It should also be examined more thoroughly as to what may be the repercussions of this power that has been given to the electoral registration officer.

By clause 11, new sections 31 and 32 have been proposed. I find that the punishment that is sought to be inflicted upon the voters provides for imprisonment of one year or fine or both. That seems to be very stringent. Here we have to take into consideration the condition of the bulk of our electorate.

They are illiterate and therefore it is likely that at times people may make certain applications which technically may be considered to be an offence under section 31. On the other hand the officer, who is supposed to be in the know of the law, has been provided with much lesser punishment, *i.e.*, a fine which may extend to Rs. 500 only. If we read these two sections—the new section 31 and new section 32—together, I feel the punishment for the defaulting electors should be much less than that proposed to be inflicted on the officer who commits almost the same offence or a similar offence. In section 32, this sub-section, *viz.*, that no suit for damage can be brought in any court if any officer commits such offences willingly which may deprive any elector from exercising his franchise, I think, should be omitted.

Coming to the 1951 Act, clause 15, *i.e.*, in sub-section (d) of section 7 of the original Act, the provision was that if any individual, whether by himself or through some other body of persons, has got any contract with the appropriate Government, he would be disqualified. Here in the substitute sub-section (d), only the individual who has got any contract with the appropriate Government is sought to be debarred. I could not quite understand as to whether the companies, firms or the corporations who have got contract with the appropriate Government and whether the managing directors or the directors of such companies or corporations would be disqualified. Section 8, sub-sections (c) and (d) of the 1951 Act provided that those persons who are either managing directors or directors of such companies who have got contracts with

the appropriate Government were disqualified. If we accept these amendments and delete sub-sections (c) and (d) of section 8 and also the original sub-section (d) of section 7, then, I am afraid, we exclude the managing directors and directors of companies, corporations etc. from the purview of this disqualification.

Very recently the Parliament (Prevention of Disqualification) Bill was passed. There we have gone even beyond the meaning of article 102 and we have sought to exclude very many companies, corporations and committees of which a Member of Parliament cannot be director, member, chairman, secretary and so on As I submitted before the House in connection with that Bill, the same thing may apply the other way round and we should see as to whether we are going to exclude the officers, managing directors, directors etc. of companies, corporations and firms who undertake contracts to supply goods or services with the appropriate Government Therefore, I feel that this clause also should be more thoroughly examined

Then under clause 16(b), it has been sought to delete the original subsection (2) of section 8 It provided that the co-operative societies should be excluded from the purview of section 7 Now, here by omitting that sub-section, it will mean that we include the co-operative societies. Therefore, I fail to understand as to what actually we propose to do about the officers of companies, corporations, firms and co-operative societies By one we take away the exemption given to the co-operative societies and by the new clause we exempt the firms, companies etc. Therefore I feel that this clause also needs to be more thoroughly scrutinised.

Lastly, under clause 25, in the new section 61 provision for introducing identity cards with or without photograph is sought to be made. Here, however much it may be good—I do not know—I apprehend one practical difficulty, particularly regarding the women voters. It is our common knowledge that amongst women voters we have got quite a large number who observe *purdah*. Therefore, I do not know how this photograph is going to help the presiding officer at the polling station to identify the lady, who observes *purdah*. Whether she has got the photo in the identity card or not, in the practical field that will not be quite useful. I also do not know how people will react to this provision. We know even the marking by indelible ink was resented to in the 1952 election and also in the last election. Therefore I would request the hon Law Minister to consider whether we should go so rapidly with all these innovations. We have to regard the sentiments and prejudices of the electorate who are mostly illiterate and who are yet to become more enlightened and get used to the innovations

With these words I again support the proposal made by hon. Members that this Bill should be referred to a Joint Select Committee and that we should examine it more thoroughly.

Shri B. Das Gupta (Purulia): Mr. Chairman, Sir, I hope that the hon. Minister will very seriously think about the acceptance of the proposal for referring it to a Select Committee The Bill proposes to amend the Representation of the People Act, 1950 and 1951 The 1950 Act deals with the electorates and the registration of the electors, and the 1951 Act deals mainly with the conduct of elections. Both these Acts are very important, I think, in our national life and so the amendments which have been proposed in these Acts should be given more earnest and proper consideration by the House. At least the members of the House should have the proper opportunity to give their consideration to these two Acts and these amendments.

The present amendments have been proposed in the light of experience gained by the Government as well as

[Shri B. Das Gupta]

the Election Commission. But, when I go through the amending clauses, I may submit that in the light of my experience and the experience of others like me, the amendments are inadequate and not suited to the prevalent conditions of our country. Apart from the experience of the Election Commission and the Government, the experience of the Members of the House should also be taken into account. That is why reference of the Bill to a Select Committee is so urgent and so very necessary. As far as possible, I will mainly deal with the 1950 Act which concerns registration of electors and the electorates. I may here cite one or two experiences of mine which may enlighten the House and in the light of which the Government may consider this Bill.

16 hrs.

I do not know whether the Government is aware of the fact that in 1955, out of the 24 Commissioners of Income-tax under the Central Government, the names of 21 Commissioners were absent in the voters' list and only the names of 3 Commissioners were found, in the list. These 21 Commissioners applied again and again to the proper authorities, but the door was not opened unto them. They could not vote during the last general election. I am just trying to show where we stand regarding the registration of electors Another instance. It is well known that during the last bye-election in South Calcutta, about 1,200 voters found their names absent from the voters' list at the last hour. There was a hue and cry and the Election Commission was good enough to make a special provision and enrol them. This saved a very ugly situation. In the light of these experiences, if we go to the vast rural areas, where 85 per cent. of the people are illiterate and ignorant of what the franchise means to them, we can just imagine how they fare regarding this enrolment in the voters' list.

My contention is that my experience and the experience of others also, and the experience of the people in general is that the machinery evolved and the procedure or methods prescribed and adopted are quite unsuitable for the prevalent conditions of our country regarding elections. We have not evolved a machinery which is suitable to our country where at least 85 per cent. of the people are illiterate. We who have experience of this during the enrolment of voters and during elections, always come across many difficulties, and we feel that this machinery should be changed. It is not at all suitable to the needs of our people and to the condition of our people. This Bill has not given any thought to that. It has ignored this basic fact. If the Bill is the outcome of the experience of the Government and the Election Commission, combined, I must submit that these experiences are superficial.

Our experience is that the enrolment of voters depends only on the mercy and goodwill of the man in charge. If he is of partisan spirit, large numbers of voters are left out of the voters list. Of course, it is true that our people in the villages are not as vigilant and conscious as they should have been Within eleven years of freedom, we could not make them conscious or vigilant enough of their right of franchise Anyway, keeping these facts in front of us, we must evolve a machinery That is my main point Election comes afterwards. Registration of electors and the electoral rolls are the very first things. We must evolve a sound, proper machinery which is suitable for the 85 per cent. of illiterate people who are in the villages. Apart from this, when it comes to the question of experience, I have some experience how a particular section of the people in a particular area has been left out of the voters' list deliberately for political reasons, by the machinations of the local authority or the local administrative machinery. This is our experience.

I will cite another case where, for political reasons, the Electoral Registration Officer or the Chief Electoral Officer had deliberately rejected the application and appeal of a person who is an ex-Member of this House.

Mr. Chairman: Does the hon. Member propose any amendment in the suggested Bill by which the defects or difficulties that he has mentioned will be removed? Has it got any relation to that? If he can suggest that the defects that he has already mentioned can be removed by certain amendments in this Bill, that would be more relevant. Of course, he can cite general grievances. I have no objection to that. It must be relevant to some suggestion regarding the provisions of this Bill. That would be more relevant, because the time is short. The machinery itself cannot be remedied by this Bill. If he has any suggestions, he can certainly make them.

Shri B. Das Gupta: I am making my suggestions. If the hon. Minister thinks that my suggestions are proper and he is willing to accept my suggestions, then, amendments will be coming forth. What is usually done is, we submit our amendments, and there are so many amendments, right or wrong, but it all depends on the hon. Minister, accepting or not accepting them.

Shri Hajarnavis: I thought it depended on the amendments rather than on the Law Minister.

Shri B. Das Gupta: I am making these suggestions so that he may see if he could improve this Bill.

It would be interesting to know that we took this matter to the Election Commission. The Election Commissioner quite realised the justness of the case. But, he was helpless and he could not do anything. The decision of the Chief Electoral Officer was final according to the law. I am just drawing the attention of the hon. Minister to these things that we have experienced. Under this Bill, no blanket power should be given to these Chief Electoral Officers or the Electoral Registration Officers regarding the registration of electors at all. It should finally depend on the Election Commission whether to accept or reject any application or not. In the light of these experiences, I must urge that not only the 1950-Act but the 1951-Act also should be thoroughly amended. We have now got the experience of the last two general elections. Every Member of this House, who has passed through these elections, has experience of these things. For my part, I can say that I have experience of elections since 1922. I have passed through many elections as a Congressman, since 1922, provincial, Central and other types of elections too. I feel that it would be better if this Bill is referred to a Select Committee, and it is amended in the light of the experience of all the Members of this House. I think that will be a better way of amending the electoral law.

16 11 hrs.

[SHRI MOHAMMED IMAM *in the Chair*]

I think a general provision should be there as regards the registration of electors. A general provision should be there to inflict heavy punishment on persons or officers in charge of registration, if a certain percentage of the eligible voters is left out of the electoral rolls. I think this will have a deterrent effect where the person or officer in charge of this work neglects his duty for any reason and neglects to enrol the eligible voters in the voters' list.

There is a provision for making rules for the issue of identity cards to the electors. As regards these identity cards, I think they are very necessary. It is not only desirable but it is essential that every voter should have an identity card long before the polling. The identity card should be issued and supplied at the time he registers himself as a voter. It should be an integral part of the registration

[Shri B. Das Gupta]

of voters in the voters' list. As soon as a person is registered in the voters' list as a voter, he should be supplied with an identity card with or without any photograph. I think it will be difficult to attach photographs in every identity card; it may not even be possible to do so. But every identity card must contain the thumb-impression or the signature, as the case may be, of the voter concerned. I think this will have an all round effect which will be very good. For one thing, this will induce every voter in the villages or in the rural areas—I am speaking mainly of the rural areas—just to know whether his name has been included in the rolls or not. That will induce him also to be vigilant about enrolling his name in the register. Of course, nothing can be fool-proof, but as far as my experience goes, I would say that this will create a very good atmosphere in the villages. The officer in charge or the person in charge of enrolling the voters will also be always alert so that not a single man in the village is left out of the voters' list.

However, the procedure for enrolment should be easier, should be more prompt and should suit our rural population, nearly 85 per cent of whom are illiterate.

We must always keep in view, whenever we are going to enact anything or prescribe any procedure or method, that 85 per cent of our rural population are illiterate. So left to himself, it becomes difficult now for the villager to take advantage of the procedure and to enrol himself as a voter. We have experience of rural life. So I must insist that the procedure and methods should be more fool-proof and should be suitable for 85 per cent of the population which lives in rural areas.

Regarding the 1951 Act, I do not want to take much time. But I must mention one important point regarding election returns. The difficulty is this. In the election return columns, the expenses are mentioned on the basis of individual. Most of the candidates put up during elections are set up on a party basis. There is no provision in the return to account for expenses which a party has incurred for the candidates combined. I myself took up this matter in 1951 with the Election Commission saying that expenditure by a party for the candidates as a whole should also be accounted for in the election expenses. But as it is, there is no provision for doing that now. The Government must look into it and see that there should be such a provision made so that a party candidate is not put to any difficulty in furnishing his election return. I must say that on this basis most of the election returns of candidates on party basis are incomplete.

Lastly, I will say a word or two by way of a general observation on corrupt practices in elections. If I may say so, we have experience of elections since 1922 as Congressmen. Then we did not think of any corrupt practice in elections. We have set up candidates, we have run many elections, but we could not think of any corrupt practice. But in our post-independent India, after we achieved independence, I am sorry to find that the very organisation has in practice given incentive to corruption in elections. That is a most unfortunate thing.

An Hon. Member: Question.

Shri Bhakt Darshan (Garhwal): A big question mark.

Shri B. Das Gupta: He may say 'a big question mark'. But let him go to the practical field and see.

Mr. Chairman: References to the organisation as a whole need not be made.

Shri B. Das Gupta: But that will bring us nowhere. I was just mentioning it not to censure the conduct of any organisation but I wanted to state facts. You can

repudiate it but my feeling is that we must now begin from somewhere. That is why I am appealing that we must begin from now, so that the elections may be fairly and freely held.

It is a vital question; it is a national question because corruption in election has vitiated and has corrupted the very backbone of our national life. It has corrupted the body politic of our country and we do not know where we are going to stand if this corruption goes on. That is why this Bill should be referred to the Select Committee. The hon. Minister may please accept this proposal so that all our experiences may be placed before the Committee and on that basis we may shape the future legislation which is going to be the basis of our democracy.

Shri Maniyangadan (Kottayam): Mr. Chairman, Sir, I welcome this measure brought before the House. Laws regarding elections have undergone several changes during the last few years. And, as was suggested by several hon. Members here, we cannot claim that it has become cent per cent foolproof. There are certain lacunae here and there even now; and an attempt is being made to make it as foolproof as possible.

The Election Commission, from the experience that was gained after the general elections and a few by-elections, have suggested certain improvements in the law and they have been embodied in this Bill.

The important thing is that elections must be free from corruption and must be fair. As a matter of fact, the very existence of democracy depends on fair elections. So, I welcome the proposals regarding the powers of the Electoral Registration Officer and also the proposals for fighting impersonation.

I know instances where as a result of revision the number of voters has gone up in certain constituencies to such an extent that it is impossible to believe that it could have really gone up like that. Several complaints were received from certain parts of the country by the Government as also the Election Commission and the Election Commission had an opportunity to go to those places and see whether the complaints were correct. I do not know what the finding of the Election Commission is. But, if the Press reports could be believed, the Commissioner was convinced that there was inflation of the electoral rolls as a result of the revision.

Clause 9, by adding section 22, gives certain powers to the Electoral Registration Officer.

Some hon. Members have suggested that the electoral registration officers should not be vested with such wide powers. But it could be seen that they were subject to such general or special directions, if any, as might be given by the Election Commission in this behalf. So, there is this safeguard. I may go to the extent of saying that the electoral registration officers may be completely under the control of the Election Commission, quite independent of the State Government, or the Central Government. The Election Commission is an independent body and if these officers could be appointed by and are directly within the control of the Election Commission, then things could be improved to a greater extent. But it may not be possible or practicable. Anyhow, the present provision in clause 9 is a welcome measure and that should be implemented immediately.

Clause 9 also provides for penalty for making false representations. That is also a new provision. Because of the absence of such provisions, there were instances where people who were not *bona fide* residents offered themselves for being included in the lists, presenting themselves as qualified and so on. I believe that to a very great extent that defect could be remedied and people will hereafter be reluctant to come forward with applications for being included in the

[Shri Maniyangadan]

list or with petitions that some persons should be removed and so on. Such unnecessary applications and objections, to some extent at least, will be avoided by this provision.

With regard to impersonation in a recent election, I know an instance where the office of a particular candidate sent a communication to a place in a neighbouring State on the eve of the election requesting some few hundreds of people of different ages. That was reported in the papers and I do not know whether that report is correct or not. Whatever it may be, there were wide allegations that impersonation took place to an extraordinary extent. If that sort of thing is to be avoided, some such provision as is given in clause 25 is absolutely necessary. I know voters enrolled in electoral rolls in certain constituencies are neither residents in that locality nor have they anything to do with that particular constituency. Several hundreds of such persons have got themselves enrolled in several constituencies. Those things ought to be avoided. If such things are allowed to continue, my submission is this. Democracy in our country would not then be safe. In the circumstances, the suggestion by the Election Commission is to have identity cards. Of course, there may be practical difficulties but we cannot avoid them when there are violent and gross violations of the principles of democracy. Even here, it is only an enabling clause, as was suggested by the hon. Mover of the Bill. If and when it is found by the Election Commission that such a thing could be implemented, it is provided that the Election Commission has powers for that. I do not know whether there is any provision in the Representation of the People Act of 1950 which enables the Election Commission or Government to provide that identity cards should be issued to the electors. The provision here is: "before delivery of a ballot paper or ballot papers" to him if under rules made in that behalf under the Representation of the People Act, 1950, electors of the constituency in which the polling station is situated have been supplied with identity cards, with or without their respective photographs attached thereto;". So, in the 1950 Act there must be a provision which enables the Government to make rules providing for this. I think there is no such provision.

Shri Hajarnavis: Section 28. The matter has been carefully considered. We could have done it by rules but we thought it should have the approval of the House.

Shri Maniyangadan: If there is a provision, it is all right. Anyhow, this provision which enables the Election Commission to supply identity cards to the voters so that impersonation may be avoided is an absolute necessity from the experience which some of us had in the recent elections. Of course, it was suggested that this is not going to remedy the evil. It may not cent per cent remedy the evil, I concede: but to a large extent the evil could be remedied. Because the evil could not be remedied cent per cent there is no remedy needed seems to be the opinion of some hon. friends who objected to this provision. I submit, let us try, as far as possible, to make the provisions of the election law such that impersonation may be avoided to the maximum extent possible. If this provision is there, I am sure some of the voters who now dare to come forward representing themselves to be certain persons will not dare to do so if the identity cards are supplied. At least to that extent that will be a check. I wholeheartedly welcome that provision, and I submit that in no case should that provision be given up.

These are the main changes. Of course, with regard to qualification and other things I do not want to take the time of the House. In 1956 there was an amendment which was sent to a Select Committee with powers to go into the whole Act. Now in 1958 there is another amendment brought from the experience that was gained by the Election Commission and also the Government. The Election Commission is the best authority

to suggest remedies for improving the law. I do not say that this House has no power to go into the sugestions and to modify them. But, in the present circumstances, as far as these amendments are concerned my submission is that there is no necessity for sending this Bill to a Select Committee. The hon. Law Minister has also stated that this Bill ought to be, if possible, passed before January so that the revision of the rolls next year may be conducted from January onwards. In my State, because the revision could not be started earlier, the final lists have not been published in certain constituencies. In a few constituencies lists were published only very recently, during the last two weeks. In certain constituencies lists are yet to be published. If the revision of rolls were started earlier, in January, as is now proposed in this Bill, I think such a long delay would not have taken place.

So, as far as these provisions are concerned, we found from our experience and also from the experience of the Election Commission that they require improvement and the suggestions and improvements should be brought to the notice of the Law Minister as early as possible.

As far as the provisions of the Bill are concerned I do not think there is any necessity for referring the Bill to a Select Committee. I wholeheartedly support the provisions and submit that the Bill may be passed as early as possible.

श्री भक्त दर्शन : माननीय सभापति महोदय, मैं सब से पहले आप को इसलिए धन्यवाद देना चाहता हूं कि संशोधनों की सूची में मेरा सब से पहले नाम होते हुए भी, गनीमत है कि, अन्त में आपने मझे बोलने का थोड़ा सा समय प्रदान करने की कृपा की है।

श्री ब्रजराज सिंह : अभी तो हम मध्य में ही हैं।

श्री भक्त दर्शन : खैर; मैं सदन का अधिक समय न ले करके कुछ खास-खास बातों की ओर ही आपका ध्यान आकर्षित करना चाहूंगा।

हमारे माननीय विधि मंत्री महोदय ने प्रायः सदन की सभी दिशाओं से एक ही आवाज उठने पर भी कि इसको एक प्रवर समिति के सुपुर्द किया जाय, अभी तक इसको स्वीकार नहीं किया है और अभी तक भी वह एक कठोर चट्टान की तरह से डटे हुए हैं। सदन की यह सम्मिलित आवाज होते हुए भी वह अपने निश्चय पर दृढ़ हैं। अब तक जितने भी सदस्यों ने यहां पर अपने विचार व्यक्त किये हैं उन में से केवल एक सज्जन को छोड़ कर, जोकि मुझ से पहले भाषण दे रहे थे, सभी ने अपनी यह सम्मति दी है कि इस विधेयक को प्रवर समिति के सुपुर्द किया जाये।

मै माननीय विधि मंत्री महोदय से बड़े नम्र शब्दों मे निवेदन करना चाहता हूं कि उन्हें जो इस सम्बन्ध में जल्दी मालूम पड़ती है वह यह है कि वह यह चाहते हैं कि मार्च के बदले जनवरी में रजिस्ट्रेशन की तारीख निश्चित कर दी जाय। और कोई कारण इसके सिवाय मेरी समझ में नहीं आता है। और जो धारायें हैं या और जो विषय हैं जिन के बारे में उन्होंने संशोधन सुझाये हैं वे ऐसे हैं कि उन पर धैर्य के साथ और शान्ति के साथ विचार किया जा सकता है। केवल यही एक ऐसा विषय है जिस के सम्बन्ध में वह जल्दी चाहते हैं और शायद हमारे चुनाव आयोग ने भी इस सम्बन्ध में सिफारिश की थी। अतः मैं भी इसी के सम्बन्ध में कुछ निवेदन करना चाहता हूं।

जैसा कि मैंने अपने संशोधन संख्या २ के द्वारा भी सूचना दी है कि जब इसका संशोधन करना ही है तो जनवरी के बदले एक नवम्बर की इस में तारीख रखी जाये। अब मैं एक नवम्बर की तारीख इसलिये सुझाना चाहता हूं कि सभापति महोदय को और माननीय विधि मंत्री महोदय को भी ज्ञात होगा कि जाड़ों के महीनों में ऊंचे पहाड़ों से बहुत से लोग मैदानों में या तो रोजगार के लिए या कुछ दूसरे आवश्यक कार्यों के लिये उतर आते हैं।

[श्री भक्त दर्शन]

मैं अपने ही जिले का उदाहरण आपके सामने रखना चाहता हूं । मेरे जिले में जो तिब्बत का सीमावर्ती इलाका है वहां के लोग छः महीने नीचे निवास करते हैं और पिछले जो दो चुनाव हुए थे उनमें यह बड़ी जटिल समस्या उत्पन्न हो गई थी कि उनको मतदान में हिस्सा लेने की कैसे सुविधा प्रदान की जाय । इस समस्या को हल करने के लिये अलग से पोलिंग स्टेशंस बनाये गये थे और तब जा करके उनसे मतदान कराया जा सका था । इसलिए मेरा तो यह सुझाव है कि बनिसबत जनवरी की जो तारीख रखी गई है, मैं महसूस करता हूं कि उसको न रख कर के एक नवम्बर की तारीख रखी जाये । मैं यह क्यों चाहता हूं इसका एक और भी कारण है । मैं महसूस करता हूं कि मार्च के महीने में हमारे जो सरकारी कर्मचारी होते हैं उनके ऊपर कार्य का बड़ा बोझा रहता है । उस समय वित्तीय वर्ष की समाप्ति के दिन नजदीक रहते हैं और उनको काम बड़ी तत्परता से करना पड़ता है । साथ ही साथ काम का जो बोझा है वह उन के कंधों पर जनवरी से ही पड़ना प्रारम्भ हो जाता है और तभी से बढ़ने लगता है । अगर एक नवम्बर की तारीख स्वीकार की जाती है तब तो इस संशोधक विधेयक को जल्दी स्वीकार करने की आवश्यकता ही नहीं रह जाती ।

दूसरी बात जो मैं कहना चाहता हूं वह यह है कि अभी तक चुनाव आयोग ने, इलेक्शन कमीशन ने, जो फरवरी १९५६ में आम चुनाव हुए थे उनकी रिपोर्ट पेश नहीं की है । जहां तक मेरी जानकारी है, सदन के सामने वह रिपोर्ट अभी तक नहीं आई । दो वर्ष पूरे होने को आये हैं और कई बार इस सदन में प्रश्न पूछे गये हैं जिन के उत्तर में सरकार की ओर से यह कहा गया है कि रिपोर्ट तैयार हो रही है । माननीय मंत्री महोदय की ओर से यह भी कहा गया है कि चुनाव आयोग की ओर से बहुत से सुझाव मिले हैं जिन के आधार पर यह संशोधक विधेयक यहां पर रखा जा रहा है । पता नहीं वे कौन से ऐसे गोपनीय सुझाव हैं, कान्फिडेंशल सुझाव हैं, जिन को कि इस सदन के सामने नहीं लाया जा सकता है । इसलिए मैं निवेदन करना चाहता हूं कि जब तक चुनाव आयोग की रिपोर्ट इस सदन के सामने और देश के सामने नहीं आ जाती, तब तक इस समस्या पर विचार स्थगित किया जाना चाहिये ।

इसके अतिरिक्त मैं यह भी कहना चाहता हूं कि एक अधिनियम १९५० का है और एक सन् १९५१ का है और इस विधेयक के द्वारा हम उनमें संशोधन करने जा रहे हैं । इतना होने पर भी दोनों विधेयक अलग-अलग रह जाते हैं । मेरी समझ में नहीं आता कि इन दोनों अधिनियमों को मिला कर एक ही क्यों नहीं बना दिया जाता । अगर इन दोनों को मिलाकर एक ही अधिनियम बना दिया जाये तो मैं समझता हूं कि आसानी हो सकती है, सरलता हो सकती है ।

हमारे माननीय मंत्री महोदय ने प्रारम्भ में यह कहा है कि इस विधेयक में कोई भी ऐसा सुझाव नहीं है जोकि विवादास्पद हो, कंट्रोवर्शल हो । लेकिन धारा २१, २२ और २७ के द्वारा जो मूल १९५१ का अधिनियम है उसकी धारा ५५(ए) का हम संशोधन करने जा रहे हैं । ये धारायें नाम वापिस लेने की तिथि से सम्बन्ध रखती हैं । अभी तक यह सुविधा दी गई थी कि नाम वापिस लेने की अन्तिम तिथि के दस दिन तक भी नाम वापिस लिये जा सकेंगे हालांकि जमानत जब्त हो जायेगी । पर अब यह व्यवस्था समाप्त की जा रही है । मेरा निवेदन यह है कि इसमें जो सुधार किया जा रहा है, वह मेरी समझ में नहीं आता है । यह कहा जा सकता है और कहा भी जायेगा कि इस में बहुत से लोग रुपया दे कर उम्मीदवारों को बिठा देते हैं । कुछ मामलों में ऐसा हुआ होगा, इसे मैं स्वीकार करता हूं, लेकिन इस बात की क्या गारन्टी है कि जो लोग निश्चित समय के अन्दर नाम वापिस लेते हैं वे रुपये के द्वारा या और किसी व्यक्तिगत प्रभाव के द्वारा समझाने-बुझाने के द्वारा

वापिस नहीं लेते हैं। जहां तक प्रभाव का प्रश्न है या भ्रष्टाचार का प्रश्न है या धन दे करके या किसी और तरह से फुसला करके बिठा देने का प्रश्न है वह हमेशा रहेगा।

अभी मेरे एक मित्र जोकि भाषण दे रहे थे उन्होंने हमारे सम्बन्ध में बोलते हुए हम पर कुछ आक्षेप किये। मैं सभापति महोदय का अनुगृहीत हूं कि उन्होंने उन सदस्य महोदय को टोक दिया। इस तरह से किसी पर भी आक्षेप करना ठीक नहीं है और मैं चाहता हूं कि खास तौर पर उस पार्टी के सम्बन्ध में जिस के हाथ में शासन की बागडोर है, उसके ऊपर इस तरह का गम्भीर लांछन न लगाया जाये। लेकिन मैं चाहता हूं कि गम्भीरतापूर्वक इस प्रश्न पर विचार करने की आवश्यकता हो गई है या नहीं कि क्या हमें अपने चुनाव के तरीके में आमूलचूल परिवर्तन करने चाहियें या नहीं? मैं चाहता हूं कि सभी पार्टियों के कर्णधार इस पर गम्भीरता से विचार करें। पिछली दो अग्नि परीक्षाओं से हम निकल चुके हैं। जो लोग सही सलामत यहां पर आकर इस सदन की सदस्यता कर रहे हैं वे अपने नक्षत्रों को धन्यवाद दे रहे होंगे, लेकिन जो बेचारे उस अग्नि परीक्षा में असफल हुए हैं उनका भी कुछ अनुभव है और उनका अनुभव मैं समझता हूं कि हम से भी ज्यादा कटु है। इस बात की साक्षी मैं समझता हूं कि सभी दल देंगे।

इस वास्ते गम्भीरता से सोचने की जरूरत है कि हमारी जो चुनाव की प्रणाली है इस में कुछ बुनियादी अन्तर करने की क्या आवश्यकता नहीं है? सभी दलों की ओर से—शासक दल की ओर से भी—दुर्भाग्यवश ऐसे उम्मीदवार खड़े किये जाते हैं जिन की योग्यता की उतनी कसौटी नहीं होती या उनके सार्वजनिक जीवन का रिकार्ड उतना नहीं देखा जाता, जितना कि यह देखा जाता है कि आया वे जीत सकेंगे या नहीं। उनका जीत सकना ही उनकी योग्यता है। इसी को सब से बड़ी कसौटी माना जाता है। इसका परिणाम यह हो रहा है कि केवल कांग्रेस दल के ही नहीं बल्कि जितने भी और दल हैं, जो हमारे कांग्रेस दल की चूंकि उसके हाथ में शासन की बागडोर है, समय-असमय आलोचना भी करते रहते हैं, ऐसे-ऐसे उम्मीदवार खड़े किये जाते हैं जो जातीयता के नाम पर, भाई-बिरादरी के नाम पर या पैसे के बल पर चुनाव जीतने में सफल हों। इस वास्ते बड़ी गम्भीरता से इस विषय पर सोचा जाना चाहिये और इस चीज को दूर किया जाना चाहिये। अब जब हम इस पर पूरे तौर से विचार कर रहे हैं तो हमें देखना चाहिये कि हम कोई ऐसा परिवर्तन भी कर सकते हैं जिस के द्वारा इस तरह की भ्रष्टाचार की घटनायें जो आये दिन होती रहती हैं, न्यूनतम हो जायें। मुझे तो ऐसा प्रतीत होता है कि अगर ऐसा करने के लिये संविधान में भी संशोधन करने की आवश्यकता हो तो वह भी किया जाना चाहिये और सभी दलों को मिल कर के उस संशोधन को यहां लाना चाहिये। इस सम्बन्ध में मेरा खयाल है कि केवल पार्टियों के आधार पर सारे देश में चुनाव हों और पार्टियों को अलग-अलग से जितने भी मत आयें, परिणामों के हिसाब से उनमें उनको अधिकार दिया जाये कि वे दल ही अपने प्रतिनिधियों को असेम्बली की सीटों के लिये या संसद् के लिये अपने आदमी नामजद कर दें। यदि ऐसा किया गया तो चुनाव का जो खर्चा है वह भी बहुत कम हो जायेगा और नाममात्र का रह जायेगा। दूसरे जो इस समय व्यक्तिगत प्रतिस्पर्द्धा चलती है, एक दूसरे पर कीचड़ उछालने का बाजार गर्म रहता है, चुनाव के दौरान में जो रुपये व्यय होते हैं, जो गन्दगी फैलाई जाती है ये सब चीजें प्राय: समाप्त हो जायेंगी। चूंकि यह बड़ा लम्बा विषय है, इसलिये मैं अधिक नहीं जाना चाहता। इसका मैं ने इस वास्ते उल्लेख किया है कि यह भी एक विचारधारा हमारे देश के

[श्री भक्त दर्शन]

अन्दर आ सकती है और इस पर गवर्नमेंट को और सभी दलों को बड़ी गम्भीरता से सोचने की आवश्यकता है ।

अन्त में, सदन का और अधिक समय न लेते हुए, मैं माननीय विधि मंत्री महोदय से अनुरोध करना चाहता हूं कि जो चारों कोनों से आवाज उठ रही है कि इस बिल को प्रवर समिति के सुपुर्द कर दिया जाये, उस पर वह विचार करें और थोड़ा सा और समय स सदन को और देश के निवासियों को दें ताकि वे इस पर और विचार कर सकें,—इसे स्वीकार कर लेना चाहिये । मैं आशा करता हूं कि जब तक और माननीय सदस्यों के भाषण समाप्त होंगे तब तक हमारे विधि मंत्री महोदय का दृष्टिकोण भी बदल चुका होगा ।

चौ० रणबीरसिंह (रोहतक) : सभापति महोदय, जहां तक इस बिल को प्रवर समिति के सुपुर्द करने का ताल्लुक है, मैं कोई मजबूत विचार नहीं रखता । इसको उसके सुपुर्द किया जाये या न किया जाए, इसमें मुझे कोई बहुत बड़ी आपत्ति नहीं है । इसका कारण यह है कि मैंने देखा है कि इस बिल के अन्दर ३७ धारायें हैं, ३७ क्लाजिज हैं जिनमें से मुश्किल से पांच छः धारायें ही ऐसी हैं जिनके ऊपर कुछ दोस्तों को आपत्ति ह ।

अभी श्री भक्त दर्शन ने एक नई आपत्ति बताई लकिन मेरे ख्याल में इस सदन के अन्दर बहुत सारे माननीय मित्र इस बात में सहमत हैं कि चुनाव से दस दिन पहिले तक जो नाम वापिस लने का सिलसिला है, यह कोई बहुत अच्छा तरीक़ा नहीं है क्योंकि उम्मीदवार आम तौर के चाहे उसमें करप्शन हो, खराबी हो य न हो, बजाय इसके कि मतदाताओं के पास जायं, आपस में चक्कर लगाते रहत हैं और उस उम्मीदवार और चुनाव लड़ने वाले को यह भी पता नहीं होता कि किस के खिलाफ़ मझे लड़ना है और किस ने बैठना है और न ही मतदाताओं को पता होता है । मुझे ताज्जुब है कि श्री भक्त दर्शन जो कि एक पहाड़ी इलाक़े से आते हैं जहां पर कि मतदाताओं के पास दस दिन में यह खबर भी नहीं पहुंच सकती कि कौन कौन उम्मीदवार हैं, वे इस बात के क्यों हक़ में है ? इसलिए मैं समझता हूं कि इसमें तो कोई बहुत ज्यादा दो, तीन रायें नहीं हो सकतीं अलबत्ता बाक़ी दो, तीन बातें है जिन पर कि एक राय नहीं है । अगर मन्त्री महोदय यह चाहते हों कि यह बिल प्रवर समिति के पास न जाय तो मैं कहूंगा कि उन चार, पांच को छोड़ कर बाक़ी को पास कर दीजिये । ३७ बिल्स की क्लोजों में से ५, ७ को छोड़ दीजिये बाक़ी ३० के क़रीब तो आप के आसानी से पास ही हो जायेंगे । या जो विवादास्पद हैं उन पर पुनर्विचार करने के लिए जैसा कि सुझाव दिया गया है, सदन के माननीय सदस्यों की एक एनफार्मेल कमेटी बैठ जाय और वह दो, तीन या चार दिन के भीतर रोजाना अच्छी तरह से सोच विचार करके उन पर फ़ैसला कर ले । मै तमाम बिल को प्रवर समिति के सुपुर्द करने के लिए बहुत मजबूत विचार नहीं रखता क्योंकि हमने अनुभव किया—दूसरे बिल के सिलसिले में—कि प्रवर समिति पिछले कई महीनों में जो १३०० कमेटियां देखी गईं, उन कमेटियों में कुछ को जोड़ा गया, कुछ को छोड़ा गया लेकिन जो कमेटी कि इस सदन के अन्दर रिपोर्टें आईं, उनकी बिना पर मै कह सकता ह कि चन्द एक दोस्तों को छोड़ कर कोई बहुत सारे माननीय मित्र एक मत के कमेटी मे हो सके हों, मैंने नहीं देखा । किसी न किसी कमेटी को किसी न किसी कमेटी पर आपत्ति थी । मेरी समझ में नहीं आया कि माननीय मन्त्री उस रास्ते पर क्यों चलना चाहते हैं ? वे एक अजीब रास्ते पर चलना चाहते हैं । एक तरफ़ तो जो सरकारी कारखाने हैं, उनमें माननीय सदस्यों के मेम्बर्स होने के ऊपर एक जगह पाबन्दी लगाई है और उनको ग़ैर क़ानून

क़रार दिया है और यह प्रोवाइड किया है कि वे मेम्बर रह नहीं सकते अगर वह उन कारखानों की प्रबन्ध कमेटियों के मेम्बर हों और दूसरी तरफ़ यहां पर इस क्लाज में इसको ढीला किया जा रहा है। इसके अलावा हम जो इस देश में एक समाजवादी ढंग का सामाजिक ढांचा बनाना चाहते हैं तो उस हुलत में कोआपरेटिव सोसाइटीज के ऊपर जो पहले पाबन्दी नही थी, उसको जो हम अब जोड़ते जा रहे हैं, वह कहां तक उसके साथ मेल खाती है। इन दो तीन चीजों को अगर इकट्ठा मिला कर देखा जाय तो प्राइवेट सैक्टर का कुछ दबाव मालूम देता है। मेरी समझ में यह सही नहीं है।

जब हम इस देश के अन्दर समाजवादी ढंग का सामाजिक ढांचा स्थापित करने के लिए प्रयत्नशील हैं, तो हमें कोआपरेटिव सोसाइटीज का और पब्लिक सैक्टर के अन्दर जितने कारखाने हैं, उनका कामकाज सुचारु रूप से चलाने के लिए मैम्बरों का सहयोग हमें लेना है। उसके साथ ही साथ जो प्राइवेट सैक्टर है उसे हमें कोई बन्द तो नहीं करना है लेकिन साथ ही उसे कोई बढ़ावा नहीं देना है। अब अगर इस बिल की धाराओं को हम ज्यों का त्यों स्वीकार कर लें तो मैं समझता हूं कि यह एक तरह का उनको बढ़ावा ही देना होगा। मेरा तो इस सम्बन्ध में कहना है कि एक्सपोर्ट और एम्पोर्ट के लाइसेंस होल्डर्स पर ही नहीं बल्कि जो भी किसी किस्म का लाइसेंस रखते हैं अथवा जो कारखाने चलाने का लाइसेंस रखते हैं, उन पर सरकार को पाबन्दी लगानी चाहिए क्योंकि आज जो कंट्रोल्ड एकोनामी है उसका उनको किसी न किसी ढंग से सरकार से फ़ायदा होता है। इसलिए मैं चाहता हूं कि जिस के पास इम्पोर्ट लाइसेंस हो, एक्सपोर्ट लाइसेंस हो अथवा कारखाना चलाने का लाइसेंस हो, उनके ऊपर भी पाबन्दी लगे और उनसे सम्बन्धित व्यक्ति सदन के मेम्बर न बन सकें ताकि इस देश के] अन्दर, प्राइवेट सैक्टर, जो काफ़ी मजबूत है, उसका असर इस सदन के ऊपर न रहे और सदन के सदस्य बिलकुल एक इमपार्शियल वे में से सोच विचार करके देश के लिये नीति निर्धारित कर सकें।

इसके अलावा जहां तक रेजिडेंस की जो क्वालिफ़िकेशन की गई है, अगर हमने वैसा ही मंजूर किया तो हम अफ़सरों के के हाथों में खेलेंगे। इस सिलसिले में मुझे पंजाब का एक वाक्या याद आता है। सर सिकन्दर हयात खां जो ज्वाइंट पंजाब के चीफ़ मिनिस्टर बने थे, उनका नाम एलेक्टोरल लिस्ट में दर्ज नहीं था क्योंकि पटवारी उनसे नाराज था। इसी तरह से डा० काटजू का नाम भी लिस्ट में दर्ज नहीं था। बात साफ़ है। आपके सदन की यहां बैठकें होती हैं। हम लोगों के नाम यहां मकान एलौटेड हैं। सात, आठ महीने हमको यहां रहना है तो मुझे मालूम नहीं कि आया यह ७००,७५० मेम्बर्स को कोई मतदाता उनके हलक़ों में बनायेगा या नहीं बनायेगा। मैं मानता हूं कि शायद दिल्ली का एक मतदाता होने के नाते भी मुझे रोहतक में खड़ा होने का मौक़ा मिले लेकिन सवाल साफ़ है कि जब हमने हलकाबंदी की है तो हर हलक़े वाले के दिल में यह ख्याल होता है कि मुझे उसी आदमी को अपना नुमायन्दा बना कर भेजना है जो उस हलक़े का रहने वाला हो। अब आसाम का भाई अगर पंजाब आये और पंजाब का भाई अगर आसाम जाय तो यह कुदरती बात है कि हम लोगों के जो दुःख हैं, उनको इस सदन के सामने नहीं रख सकेंगे.....

पंडित द्वा० ना० तिवारी: बिहार में तो बाहर से आसाम और बम्बई से आकर लोग मेम्बर होते हैं।

चौ० रणबीर सिंह: बिहार के लिए [तो ठीक हो सकता है क्योंकि बिहार के ही हमारे राष्ट्रपति हैं और वहां का कोई सदन का मेम्बर रहे अथवा नहीं, उससे कोई खास

[चौ० रणवीर सिंह]

फ़र्क़ नही पड़ता है लेकिन पंजाब का हरियाना का करीब हिन्दी रीजन, जिसकी कि आज कोई सुनवाई नही है, अगर बदक़िस्मती से वहां कोई बिहार का आ गया तो उस हालत में हम क्या करेंगे। मुझे तो अपने पंजाब से ताल्लुक है, बिहार से मुझे कोई झगड़ा नहीं है। हां, तो मै कह रहा था कि यह जो आप पाबन्दी लगाना चाहते हैं, यह कोई सही पाबन्दी नही है।

आपने इसमें यह प्राविजन ठीक ही रक्खा है कि वह अफ़सर अगर कोई ग़लती करेगा तो उसको सजा हो सकती है और जुर्माना हो सकता है। आखिर वह चीज आयगी उस के अफ़सर के पास और वह कह देगा कि गलती रह गई और उस ग़लती को क्लैरिकल मिस्टेक मान कर उस अफ़सर को छोड़ दिया जायगा। मुकद्दमा एलेक्शन कमिशन की मर्जी के बग़ैर नही चल सकता और उस बेचारे ग़रीब आदमी का जो कि चुनाव में खड़ा होना चाहता है उसका हक़ मारा जायगा और जो हक खड़े होने का उसे संविधान ने प्रदान किया है उसके उस हक़ को एक पटवारी छीन सकेगा या अन्य छोटे अफ़सर भले ही वह मजिस्ट्रेट भी क्यों न हों, नायब तहसीलदार ही क्यो न हो, वे उसको उस हक़ से महरूम कर सकेंगे और इस वास्ते वह कोई अच्छी कानूनी व्यवस्था नही की जा रही है। सरकार के कुछ आदमियो का जो कि पावर मे हों, उनकी नीयत अगर बदल जाय तो वे यह कर सकते हैं कि वोटर न बनने दिया जाय और उस हालत में फिर कौन एलेक्शन कमिशन के पास जायेगा। तो यह उनके दिल में एक खदशा हो सकता है और हमारे कुछ विरोधी पक्ष के लोग इस बात के नाम पर एलेक्शन लड़ सकते है कि हम कांग्रेस वाले लोग एलेक्शन के क़ानून को इतना सख्त करते जा रहे हैं कि दूसरी पार्टीज के लोग चुनाव में आ ही न सकें और उनको चुनाव लड़ने का मौक़ा ही न मिल सके, यह एक हमारी सरकार के खिलाफ हमारे विरोधी लोग इलजाम लगा सकते हैं।

आइडेंटिटी कार्ड की बात तो मै समझ सकता हू हालांकि फोटो लगाने वाली बात मेरी समझ में नही आयी। अगर हम चाहते हैं कि इलेक्शन एक या दो दिन में खत्म हो जायें तो उसके लिये यह जरूरी है कि सरकारी तौर पर आइडेंटिटी कार्ड देने का इन्तिजाम किया जाये। मै यह नहीं मानता कि इससे कोई ऐसा फ़र्क़ पड़ेगा कि वोटर एक से ज्यादा जगह जाकर वोट दे सकेगा या नहीं जब एक दो दिन में ही इलेक्शन खत्म होने वाले है तो इस बात का ज्यादा इमकान नही है। मै आपको एक मिसाल दू। अभी हमारे यहां गुड़गांव में चुनाव हुआ। वह चुनाव दो दिन में खत्म होने को था। एक एक दिन के लिए दो दो सौ तीन तीन सौ पोलिंग बूथ्स का इन्तिजाम करना पड़ा। कांग्रेस पार्टी खासी बड़ी पार्टी है जिसकी कि पंजाब में हुकूमत है लेकिन कांग्रेस पार्टी भी इतने ज्यादा पोलिंग बूथों पर परची काटने का इन्तजाम नही कर सकी। और मेरे सामने यह वाक्या आया कि कुछ हरिजन वोटर आये। पर वहां कांग्रेस की तरफ से परची काटने का इन्तिजाम नही था। वहा पर दूसरी पार्टी वालों का इन्तिजाम था। उन्होंने उन वोटरों से कहा कि अगर तुम ईमान धरम से यह कहो कि हम कांग्रेस के खिलाफ वोट देंगे तो हम तुम को परची दे सकते है। जब मैं उस गाव में गया तो उन्होंने मुझे यह बात बतलायी कि अब इलेक्शन का यह नया तरीका निकला है कि हमको परची देने से पहले वोट का वायदा लिया जाता है। पहले तो मेरी समझ में यह बात नही आयी और मैंने कहा कि यह नहीं हो सकता लेकिन बाद में मेरी समझ में यह बात आ गयी। मुझे बाद को पता लगा कि वहां पर कांग्रेस का कैम्प ही नही था और दूसरी पार्टी का कैम्प था। और मुझे उनसे इसके लिए कोई गिला नहीं है।

अब जो हम कानून बना रहे हैं उसके अन्दर पार्टी का नुमायन्दा होना जरूरी नहीं है। जिस आदमी की कोई भी पार्टी नहीं है उसको भी हम इलेक्शन लड़ने का मौका देना चाहते हैं। तो हमें ऐसे हालात पैदा करने चाहिए कि वह भी मुकाबिला कर सके और कोई डिस्क्रिमिनेशन या डिस्क्वालीफिकेशन की वजह से उसको नुकसान न हो। तो मैं आइडेंटिटी कार्ड को तो जरूरी समझता हूं क्योंकि हमारा बड़ा देश है। लेकिन अगर यह चीज सिर्फ शहरों के ही लिए है तो गलत है। शहरों में तो लोग कुछ जानते भी हैं। दिक्कत तो गांवों में होती है जहां पटवारी परची नहीं देता। तो अगर आप चाहते हैं कि इलेक्शन जल्द खत्म हो जायें तो

Mr. Chairman: The hon. Member will conclude, I think, before Five

Ch. Ranbir Singh: Yes, Sir I will not take more than two minutes

तो सभापति महोदय मैं यह कह रहा था कि जहां तक आइडेंटिटी कार्ड का ताल्लुक है यह बहुत जरूरी है। लेकिन वह सारे देश के लिए जरूरी है। यह सिर्फ शहरों का सवाल नहीं है।

दूसरी बात जो मैं ने पहले कही वह यह है कि कोआपरेटिव सोसाइटी के साथ जो कन्ट्रैक्ट होता है वह डिस्क्वालीफिकेशन नहीं होना चाहिए। और खास स्थान पर रहने की भी पाबन्दी नहीं होनी चाहिये और ठेकेदार या लाईसेंस-होल्डर पर पाबन्दी लगनी चाहिये।

श्री हेमराज (कांगड़ा) सभापति महोदय

Mr Chairman: The hon. Member will resume his speech tomorrow.

17 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Thursday, the 11th December, 1958

Wednesday, 10th December, 1958.

ORAL ANSWER TO QUESTIONS . . 4093—4128

S.Q. No.	Subject	COLUMNS
776.	U.S. $ 150 Million Lon .	4095-94
777.	Territorial Army . .	4097—99
778.	Examination System	4099—4102
779.	Fifth Inter-University Youth Festival . .	4102-05
807.	Inter-University Youth Festival . . .	4103—08
780.	Anonymous Complaint.	4108—10
781.	Steel Production .	4110—14
782.	Higher Technological Institute at Kanpur. . .	4114—16
783.	Sanskrit Education .	4116—19
784.	Report of the Indian Fund Bank Delegation to Annual Conference . . .	4120—22
785.	Water Supply in Bokaro Collieries . . .	4123—25
786.	School for the Orthopaedically Handicapped .	4125—27
787.	Territoral Council Employees	4127-28

WRITTEN ANSWERS TO QUESTIONS . . 4128—4208

S.Q.No.	Subject	COLUMNS
788.	Aid under Colombo Plan .	4128
789.	Hiring of Equipments for Rourkela Steel Plant	4129
790.	Re-import and Re-export of Goods	2129-30
791.	Life Insurance Corporation	4130
792.	State Bank of India .	4130
793.	Landour Cantonment .	4131
794.	Purchases of Rolls from Belgium . . .	4131-32
795.	General Assembly in Interpol	4132
796.	Survey of Nepal Aerodromes . . .	4132-33
797.	Drilling Operation in Sibsagar	4133
798.	Tribal Welfare . .	4133
799.	Librarians . . .	4133-34
800.	Succession to Baudh .	4134-35
801.	Central Advisory Board for Tribal Welfare . .	4135
802.	Tripura Council . .	4135
803.	Smuggling of Wheat and Rice	4136

WRITTEN ANSWERS TO QUESTIONS—contd.

S.Q. No.	Subject	COLUMNS
804.	Development works in Delh Municipal Corporation areas . . .	4136
805.	Bonus to Life Insurance Corporation Employees .	4137
806.	Manipur (Village Authorities in Hill Areas) Act, 1956.	4137-38
808.	Judges for High Court of Kerala	4138
809.	Floods and Cyclones in Tripura . . .	4138-39
810.	Kulti Works . . .	4139-40
811.	Pay Scales of Army Officers	4140
812.	Pre-examination Coaching for Scheduled Castes and Scheduled Tribes . .	4141
813.	Official Language . .	4142
814.	Western Higher Technological Institute . .	4142
815.	M. E. S. Construction Committee . . .	4142
816.	Sanskrit Commission .	4142-43
817	Theft in Army Canteen, New Delhi . . .	4143
818.	Lalit Kala Akademi Seminar and Exhibition of Paintings	4143-44
819.	Production of Coal . .	4144
820.	Steel Production in Ordanance Factories . .	4145
821.	Teachers for Technical Institutions . . .	4145-46
822.	Joint Financial Corporation for Assam and Tripura	4146
823.	Foreign Carpenters .	4146-47
824.	Post-Matric Scholarships to Scheduled Castes and Scheduled Tribes . .	4147-48
825.	Eve teasing in Delhi .	4148
826.	Delhi Municipal Corporatoin Act . . .	4149
827.	Primary School Teachers .	4149
828.	Indian Princes Abroad .	4149-50
829.	Technical and Administrative Personnel. . .	4150
830.	Reservation for Scheduled Castes and Scheduled Tribes in Local Bodies .	4150-51
831.	Durgapur Steel Plant .	4151
832.	Co-operative Movement in Himachal Pradesh . .	4151-52

WRITTEN ANSWERS TO QUESTIONS—*contd.*

S.Q. No.	Subject	COLUMNS
833.	Singareni Collieries . .	4152-53
834.	Oil Drilling by Stanvac .	4153
835.	Small Blast Furnaces .	4153-54
836.	Andaman and Nicobar Islands . . .	4154
837.	Purchase of Coal Mining Machinery . . .	4154-55
838.	Contest of Civic Elections by Government Servants .	4155

U.S.Q. No.	Subject	COLUMNS
1198.	Indo-Pakistan Banking Agreement . . .	4156
1199.	Corruption among Government Servants . .	4156-57
1200.	Untouchability in Punjab	4157
1201.	Reorganisation of Secondary Education . .	4157
1202.	Foreign Students in India	4158
1203.	Nuclear Science and Engineering . . .	4158
1204.	Government Aided Private Schools in Delhi . . .	4158-59
1205.	Shifting of Villages on Jamuna Banks . .	4159
1206.	Non-Government Aided Schools of Delhi . .	4159-60
1207.	Foreign Exchange Regulation Act. . . .	4160
1208.	Bridges over River Chandra	4160
1209.	Lahaul and Spiti . .	4161
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PAPERS LAID ON THE TABLE . . . 4209—10

The following papers were laid on the Table :—

1. A copy of each of the following papers under sub-section (1) of Section 639 of the Companies Act, 1956 :—

(i) Report on the working of Manipur State Bank Limited, Imphal during the year ended the 31st December, 1957.

(ii) Directors' report with Accounts and Auditors' Report for the year ended the 31st December, 1957.

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PAPERS LAID ON THE TABLE—*contd.*

(iii) Letter No. 525 Rep. II 2657 dated the 19th July, 1958 from the Director of Commercial Audit, New Delhi to the General Manager, Manipur State Bank Limited, Imphal.

2. A copy of each of the following Rules under sub-section (4) of Section 23 of the Suppression of Immoral Traffic in Women and Girls Act, 1956:—

(i) Himachal Pradesh Suppression of Immoral Traffic in Women and Girls Rules, 1957 published in Himachal Pradesh Gazette Notification No. H. 28-242/57 dated the 21st November, 1958 and a corrigendum thereto.

(ii) Suppression of Immoral Traffic in Women and Girls (Delhi) Rules, 1958 published in Delhi Gazette Notification No. F. 22(10)/54-Home dated the 16th May, 1958.

(iii) Suppression of Immoral Traffic in Women and Girls (Tripura) Rules, 1958 published in Tripura Gazette Notification No. F. 9(6)/PD/57 dated the 18th November, 1958.

REPORT OF THE COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS PRESENTED 4210

Thirty-second Report was presented.

ELECTION TO COMMITTEE 4210-11

The Minister of Education (Dr. K. L. Shrimali) moved for election of an additional member from among the Members of Lok Sabha to be a member of the Samsad (Court) of the Visva Bharati. The Motion was adopted.

BILL INTRODUCED . 4211

The Pharmacy (Amendment) Bill, 1958.

BILL PASSED . . 4211—50

Further discussion on the motion to consider the Himachal Pradesh (Constitution and

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BILL PASSED—*contd.*

Proceedings) Validation Bill concluded and the motion was adopted. After clause-by-clause consideration the Bill was passed.

BILL UNDER CONSIDERATION . . . . . 4251—4336

The Deputy Minister of Law (Shri Hajarnavis) moved that the Representation of the People (Amendment) Bill, 1958 be taken into consideration

The discussion was not concluded.

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AGENDA FOR THURSDAY, 11TH DECEMBER, 1958—

Further discussion on the motion to consider the Representation of the People (Amendment) Bill and the amendments thereto for circulation of the Bill for the purpose of eliciting opinion thereon and for reference of the Bill to a Select Committee and consideration and passing of the Salaries and Allowances of Members of Parliament (Amendment) Bill and also discussion on the Demands for Excess Grants in respect of Railways for 1955-56 and 1956-57.